

**LEXINGTON**

**Lexington-Fayette Urban  
County Government  
Title VI PROGRAM PLAN**

**10-01-2020 to 09-30-2021**

Linda Gorton, Mayor

Sally Hamilton, Chief Administrative Officer

Isabel Gereda Taylor, Title VI Coordinator

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## I. Glossary/Definitions

**Affirmative Action:** a good-faith effort to eliminate past and present discrimination in all federally assisted programs and to ensure future nondiscriminatory practices.

**African American:** A person having origins in any of the black racial groups of Africa.

**American Indian or Alaska Native:** a person having origins in any of the original peoples of North and South America (including Central America) who maintains cultural identification through tribal affiliation or community attachment.

**Applicant:** An eligible public entity or organization that submits an application for financial assistance under a program administered on behalf of the State.

**Asian:** a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

**Assurance:** A written “policy statement” or “contractual agreement” signed by the agency head in which a recipient agrees to administer federally assisted programs in accordance with civil rights laws and regulations.

**Beneficiary:** any person or group of people (other than states) entitled to receive benefits, directly or indirectly, from any federally assisted program (*e.g.*, relocated persons, impacted citizens, communities, etc.).

**CAO:** The chief administrative officer of the Lexington-Fayette Urban County Government.

**Complaint:** a verbal or written allegation of discrimination that indicates that a federally assisted program operates in such a manner that it results in disparity of treatment to persons or groups of persons because of race, color, or national origin.

**Compliance:** A satisfactory condition wherein an applicant, recipient, or sub recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good-faith effort toward achieving this end has been made.

**Contract:** A mutually binding legal relationship or any modification thereof obligating the seller to furnish supplies or services, including construction, and obligating the buyer to pay for them. Throughout this document, a lease is considered a contract.

**Contractor:** any person, corporation, partnership, organization, or incorporated association that participates, through a contract or subcontract, in any program or activity covered by this plan, including lessees.

**Discrimination:** involves any act or inaction, whether intentional or unintentional in any program or activity of a federal aid recipient, sub recipient, or contractor, which results in disparate (unfavorable) treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, sex, national origin, age, disability or in the case of disability, failing to make a

reasonable accommodation.

***Division:*** one of the administrative subdivisions of an office of the Lexington-Fayette Urban County Government.

***Federal Assistance:***

- Grants and loans of federal funds
- The grant or donation of federal property and interests in property
- The detail of federal personnel
- The sale and lease of, and the permission to use (on other than a casual or transient basis), federal property or any interest in such property without
- Consideration or with nominal consideration, or with consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient
- Any federal agreement, arrangement, or other contract that has, as one of its purposes, the provision of assistance

***Federal Highway Administration or FHWA:*** agency within the U.S. Department of Transportation that supports State and local governments in the design, construction, and maintenance of the Nation's highway system (Federal Aid Highway Program) and various federally and tribal owned lands (Federal Lands Highway Program).

***Federal Motor Carrier Safety Administration or FMCSA:*** lead federal government agency responsible for regulating and providing safety oversight of commercial motor vehicles (CMVs), FMCSA's mission is to reduce crashes, injuries, and fatalities involving large trucks and buses. FMCSA partners with industry, safety advocates, and state and local governments to keep our nation's roadways safe and improve CMV safety through regulation, education, enforcement, research, and technology.

***Grantee:*** any public or private agency, institution, or organization to whom federal financial assistance is intended for any program.

***Hispanic:*** A person of Cuban, Mexican, Puerto Rican, South or Central American, European or other Spanish language culture or origin, regardless of race.

**Interpretation:** The process of listening to something in one language and orally interpreting it in another. The mix of LEP services under the Oral Languages Services is as follows:

- Hiring bilingual staff
- Hiring staff interpreters
- Using telephone interpreter lines
- Using community volunteers
- Use of family members, friends, and other customers/passengers as interpreters

**Kentucky State Police or KSP:** State agency that promotes public safety through service, integrity, and professionalism utilizing partnerships to prevent, reduce, and deter crime and the fear of crime; enhance highway safety through education and enforcement; and safeguard property and protect individual rights. Serves as the lead agency for Motor Carrier Safety (MCS) Assistance Grants and partners with agencies as sub-grantees to provide pass through funds to assist in the mission of the FMCSA and the Kentucky State Police.

**Limited English Proficiency or LEP:** Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient.

**Minority:** A person or groups of persons differing from others in some characteristics who may be subjected to differential treatment based on race, color, or national origin. Includes African Americans, Hispanics or Latinos, *American Indian or Alaska Native*, *Asians*, and *Native Hawaiian or Other Pacific Islander*.

**Native Hawaiian or Other Pacific Islander:** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

**Non-Compliance:** the condition wherein a recipient has failed to meet prescribed requirements and has shown a lack of good-faith effort in implementing all of the Title VI requirements.

**Non-minority or non-minority group people:** Caucasians

**Persons:** Where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: "White not of Hispanic origin," "Black not of Hispanic origin," "Hispanic," "Asian or Pacific Islander," "American Indian or Alaskan Native." Additional subcategories may be based on national origin or primary language spoken, where appropriate, on either a national or a regional basis.

**Public participation:** an open process in which the rights of the community to be informed, to provide comments to the Government and to receive a response from the Government are met through a full opportunity to be involved and to express needs and goals.

**Primary recipient:** any recipient that is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

**Program:** includes any road, project, or activity that provides services, financial aid, or other benefits to individuals, including education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of federal financial assistance, or by others through contracts or other arrangements with the recipient (e.g. Planning, Environment, Design, Right-of-Way, Construction, Safety, and Research).

**Program area officials:** the officials who are responsible for carrying out technical program responsibilities.

**Recipient:** LFUCG, or any political subdivision or instrumentality thereof; or any public or private agency, institution, or organization, or other entity; or any individual in Lexington-Fayette, KY, to whom federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term “**recipient**” does not include any ultimate beneficiary under any such program. Examples of recipients include MPOs, Council of Governments (COG), towns, cities, counties, school districts, or any sub recipient.

**Sub-grantee:** Any public or private agency, institution, or organization to whom federal financial assistance is intended (through another recipient) for any program.

**Title VI Coordinator:** refers to the responsible LFUCG official in matters relating to Title VI. The Title VI Coordinator reports to and assists the Chief Executive Officer in carrying out the Title VI responsibilities of the Kentucky Transportation Cabinet.

**Title VI Program:** the system of requirements developed to implement Title VI of the Civil Rights Act of 1964. When appropriate, the phrase “Title VI Program” also refers to the civil rights provisions of other federal non-discrimination authorities to the extent that they prohibit discrimination on the grounds of race, color, national origin, sex, age, and disability, including income level and limited English proficiency (LEP) in programs or activities receiving federal financial assistance.

**Translation:** Translation is the replacement of a written text from one language into an equivalent written text in another language.

**White:** A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

## **II. Overview & Policy Statement**

Title VI of the Civil Rights Act of 1964 requires that “No person in the United States shall on the grounds of race, color or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

As a recipient of federal financial assistance, Lexington-Fayette Urban County Government shall make every effort to ensure nondiscrimination in all of its programs and activities and within all of their facilities, whether federally funded or not.

Lexington-Fayette Urban County Government is committed to fair and equitable service delivery to all residents and/or service recipients and will take all reasonable and necessary steps to provide meaningful access to all.

### **Non-Discrimination Authorities**

- Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq.)
- Section 162 (a) of the Federal Aid Highway Act of 1973 (23 USC 324)
- Age Discrimination Act of 1975
- Section 504 of the Rehabilitation Act of 1973
- Americans With Disabilities Act of 1990
- Civil Rights Restoration Act of 1987
- 49 CFR Part 21
- 49 CFR Part 303, FMCSA’s Title VI Program
- 23 CFR Part 200
- U.S. DOT Order 1050.2A
- Executive Order #12898 (Environmental Justice)
- Lexington-Fayette Urban County Government Code of Ordinances Chapter 2, Article 2, §§2-26 – 2-46 of the Code





## **Policy Statement**

June 25, 2021

It is the policy of the Lexington-Fayette Urban County Government ("LFUCG") to afford equal opportunity to all persons to the end that no person in the United States shall, on the grounds of race, color, sex, disability, age or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.

This Policy applies to all programs and activities operated by the LFUCG with special regard to those receiving federal funding from the U.S. Department of Transportation, U.S. Department of Housing and Urban Development, U.S. Department of Homeland Security, and any and all programs which utilizing federal funding whether directly or as passed through the Commonwealth of Kentucky or another entity.

This policy shall be prominently posted in all personnel offices, EEO offices, and on the LFUCG's website.

Sally Hamilton, Chief Administrative Officer



## LFUCG Notice to the Public



Lexington-Fayette Urban County Government  
OFFICE OF THE MAYOR

Linda Gorton  
Mayor

### LFUCG TITLE VI NOTICE TO THE PUBLIC

The Lexington Fayette Urban County Government (LFUCG) hereby gives notice that it is LFUCG's policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and related nondiscrimination authorities in all program and activities. It is LFUCG's policy that no person in the United States of America shall, on the grounds of race, color, national origin, sex, age, disability, low-income or Limited English Proficiency be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of our programs or activities receiving federal financial assistance.

Any person who believes they have been subjected to discrimination under the Title VI and related nondiscrimination authorities, has the right to file a complaint.

To request or receive additional information on LFUCG's nondiscrimination obligations, including its complaint procedures, contact the person listed below or visit the administrative office at the following address:

Isabel Gereda Taylor, JD, LL.M.  
Title VI Coordinator  
1306 Versailles Rd.  
Lexington, KY 40504  
Tel: 859-258-3824

<https://www.lexingtonky.gov/notice-title-vi>

To file a discrimination complaint, the written complaint must be submitted to the address above within 180 days of the alleged discrimination. Written complaints may also be submitted to the U.S. Department of Transportation/Federal Highway Administration (FHWA) no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the FHWA at the following address: Office of Civil Rights, Attention: Title VI Coordinator, Federal Highway Administration, 1200 New Jersey Avenue, SE, Washington, DC 20590. In order to accommodate limited English proficient individuals, oral complaints to be documented and/or translated, may also be given at the above address.

### FOLLOW MAYOR GORTON:

[www.facebook.com/MayorGorton](https://www.facebook.com/MayorGorton) [www.twitter.com/MayorGorton](https://www.twitter.com/MayorGorton)

200 East Main Street • Lexington, KY 40507 • (859) 425-2255 • [www.lexingtonky.gov](http://www.lexingtonky.gov)  
HORSE CAPITAL OF THE WORLD

## LFUCG Notice to the Public – Spanish



Lexington-Fayette Urban County Government  
OFFICE OF THE MAYOR

Linda Gorton  
Mayor

### NOTIFICACIÓN AL PÚBLICO DEL TÍTULO VI

El Gobierno de Lexington Condado Urbano de Fayette (siglas en inglés LFUCG) informa que la política del gobierno es asegurar el cumplimiento total del Título VI de la Ley de Derechos Civiles de 1964, la Ley de Restauración de los Derechos Civiles de 1987 y las autoridades antidiscriminatorias relacionadas en todos sus programas y actividades. Es la política de LFUCG que, a ninguna persona en los Estados Unidos de América, por motivos de su raza, color, origen nacional, sexo, edad, discapacidad, bajos ingresos o habilidad limitada del inglés, sea excluida de participar en, se le nieguen los beneficios de, o de alguna otra manera se le discrimine en cualquiera de nuestros programas o actividades que estén recibiendo asistencia financiera federal.

Cualquier persona que piensa que se le ha discriminado bajo el Título VI y las autoridades antidiscriminatorias relacionadas, tiene derecho a presentar una queja.

Para solicitar o recibir información adicional sobre las obligaciones del gobierno de no discriminación, incluso sus procedimientos de queja, comuníquese con la persona que se detalla a continuación o visite la oficina administrativa en la dirección que se detalla aquí:

Isabel Gereda Taylor, JD, LL.M.  
Title VI Coordinator  
1306 Versailles Rd.  
Lexington, KY 40504  
Tel: 859-258-3824

<https://www.lexingtonky.gov/notice-title-vi>

Para presentar una queja por discriminación, la queja por escrito debe enviarse a la dirección antes mencionada dentro de los 180 días de la supuesta discriminación. Las quejas por escrito también pueden enviarse al Departamento de Transporte de EE. UU. / Administración Federal de Carreteras (FHWA) a más tardar 180 días después de la fecha de la supuesta discriminación, a menos que FHWA extienda el tiempo de presentación, a la siguiente dirección: Oficina de Derechos Civiles, Atención: Coordinador del Programa del Título VI, Administración Federal de Carreteras, 1200 New Jersey Avenue, SE, Washington, DC 20590. Para acomodar a las personas de habilidad limitada del inglés, las quejas orales documentadas y / o traducidas también pueden entregarse en la dirección anterior.

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HORSE CAPITAL OF THE WORLD

## **LFUCG List of Locations Where Notices are Posted**

Electronically, [Title VI](#) notices in Spanish and English are accessible through the search engine at the top or directly from the footer of the same page of the LFUCG website, directing the public to: <https://www.lexingtonky.gov/notice-title-vi>. Notices are also accessible on the Global Lex center's page (<https://www.lexingtonky.gov/global-lex>) and at various other division pages. Printed complaint forms and complaint procedures in English and Spanish are also available in the main government building and at Global Lex.

### **Notices posted in LFUCG Facilities:**

Black & Williams CC - 498 Georgetown Road, Lexington, KY

Charles Young Community Ctr. - 540 E. Third Street

Coleman House- 1155 Red Mile Place

Coroner's Office – 247 East Second Street

Day Treatment Ctr. - 1177 Red Mile Place

Family Care Center - 1135 Red Mile Place

HANDS (FCC Annex) - 117 Cisco Road

Government Center - 200 East Main Street

Government Center Annex - 162 East Main Street

LexServ- 218 East Main Street

Phoenix Building - 101 East Vine Street

Police - Central Sector Roll Call - 1020 Industry Road

Police - East Sector Roll Call - 1165 Centre Parkway Ste. 130

Police – Headquarters - 150 East Main Street

Police - Training Academy (BCTC) - Newtown Building

Police - West Sector Roll Call Center - 1799 Old Frankfort Pike

Police - Safety City - 1160 Red Mile Place

Recycling Center (MRF) - 360 Thompson Road

Senior Citizens Center - 105 Life Lane

Versailles Rd. Campus, Building 1 - 1306 Versailles Road

Versailles Rd. Campus, Building 2 - 1302 Versailles Road

Waste Management HQ - 675 Byrd Thurman

### **III. Responsible Officials**

#### **Chief Administrative Officer (CAO)**

The Mayor of Lexington-Fayette Urban County Government appoints a Chief Administrative Officer to implement policy and direct operations of the local government. The CAO is responsible for organizing and administering the LFUCG. Each LFUCG division has designated a Title VI Liaison to assist in their department's compliance efforts. LFUCG divisions, led by their Title VI Liaison, are responsible for the collection and maintenance of sub-recipient participation.

#### **LFUCG Title VI Coordinator**

The Title VI Coordinator, Office of Multicultural Affairs, is responsible for the oversight and coordination of LFUCG's compliance with Title VI and all related statutes, regulations, and directives. The Title VI Coordinator has direct access to the Chief Administrative Officer (CAO). General responsibilities of the Title VI Coordinator include but are not limited to the following:

- Investigating all complaints of discrimination based on race, color, national origin, or limited English proficiency (LEP).
- Coordinating Title VI program development with division directors and Title VI Liaisons.
- Establishing procedures for processing Title VI program reviews and/or sub-recipient reviews.
- Supporting the development and implementation of Title VI training for LFUCG staff, sub-recipients, and stakeholders.
- Preparing required reports and compiling necessary internal and external data.
- Providing guidance and advice on the Title VI Program to LFUCG staff and related entities using a multi-year approach.
- Providing guidance and advice on the quality of language access providers.
- Participating in the design, development, and dissemination of Title VI information to the public via the Notification to Beneficiaries.
- Collecting countywide data and disseminating to LFUCG Divisions.
- Annually updating LFUCG's Title VI Program Plan.

### **Minority Business Liaison, Division of Central Purchasing**

The minority business liaison is responsible for the LFUCG's adherence and compliance with Small Business Development (Disadvantaged Business Enterprise Program). This includes:

- Administering, coordinating, supporting, and monitoring progress of the Disadvantaged Business Enterprise (DBE) Program and Supportive Services/On-the-Job Training Programs (DBE/OJT)
- Publishing a directory of certified and prequalified DBE firms
- Certifying small businesses owned and controlled by socially and economically disadvantaged individuals, including minorities and women, to participate in U.S. DOT assisted contracts in accordance with 49 Code of Federal Regulations 26 (49 CFR Part 26) (DBE)

### **Manager, Division of Human Resources**

The Human Resources Manager is responsible for the oversight and coordination of LFUCG's compliance with equal opportunity and affirmative action programs and internal equal employment opportunity investigations and all related statutes, regulations, and directives. General responsibilities of the Human Resources Manager include but are not limited to:

- Coordinating Title VI training for LFUCG staff, sub-recipients, and stakeholders.
- Monitoring Equal Employment Opportunity programs, including compliance with Titles VI and VII of Civil Rights Act.
- Counseling at-risk employees and employees facing disciplinary action or identified as having difficulties that may interfere with or jeopardize employment (EEO).
- This position will also report and provide district directors with data on hiring accomplishments and areas of opportunity.

### **Title VI Liaison**

Each division of LFUCG shall designate a Title VI Liaison to serve as a division lead for Title VI compliance. The Title VI Liaison shall be responsible for:

- Receiving, logging, and coordinating complaints and required correspondence on behalf of the Division.
- Maintaining a complaint log for the Division.
- Providing reports annually to the Title VI Coordinator for use in reporting.
- Ensuring Title VI compliance recommendations are practiced
- Assisting in their department's compliance efforts.

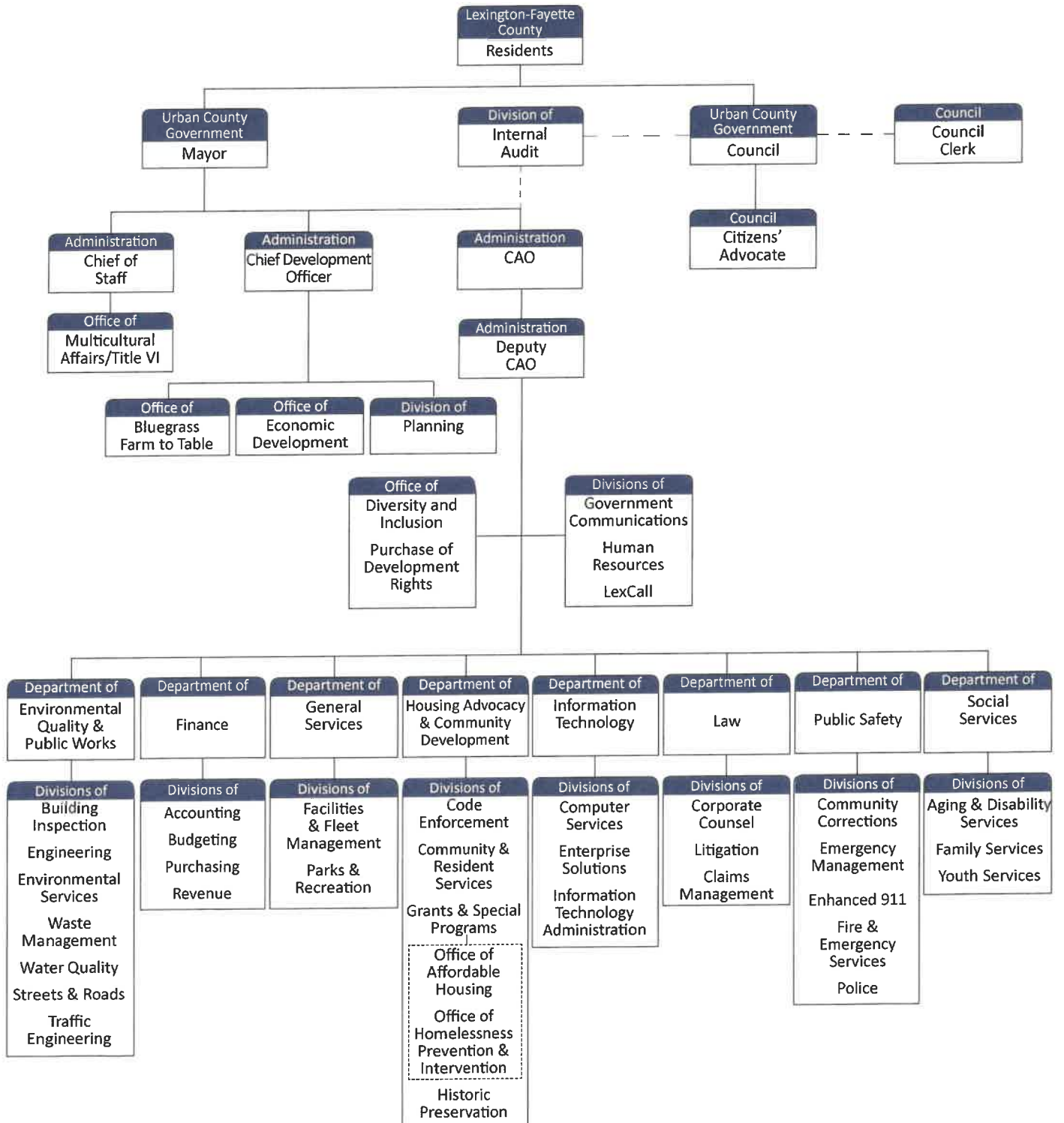
- Collecting and maintaining of sub-recipient participation.
- Participating in all required Title VI training provided or required by LFUCG and relaying information as needed to Division staff to ensure compliance.



# LEXINGTON

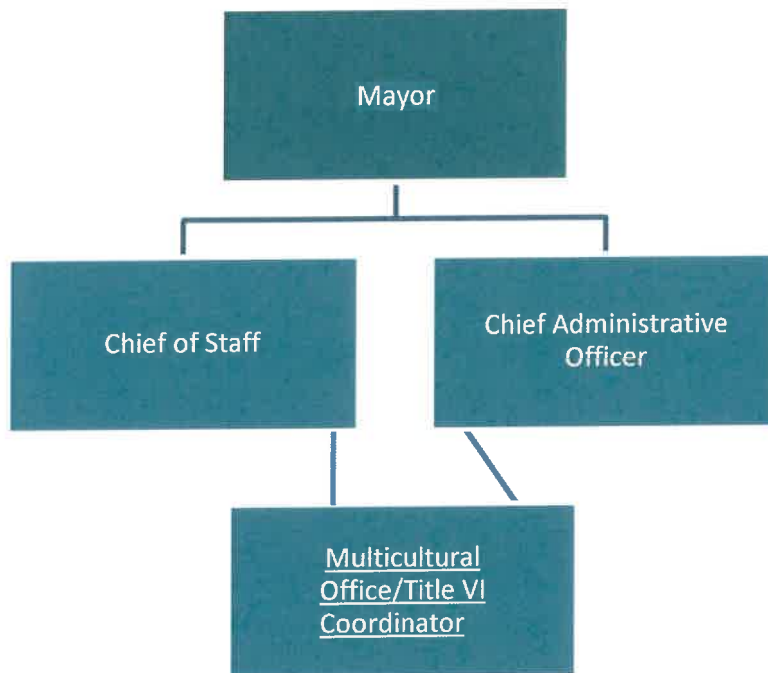
## Lexington-Fayette Urban County Government

### Organizational Chart





## LFUCG Title VI Reporting Structure



## IV. Statement of Assurances

MAYOR LINDA GORTON



**LEXINGTON**

SALLY HAMILTON

CHIEF ADMINISTRATIVE OFFICER

### STANDARD TITLE VI ASSURANCES

#### Lexington-Fayette Urban County Government

The Lexington-Fayette Urban County Government, (hereinafter referred to as the "Recipient") hereby agrees that as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78Stat. 252, 42 U.S.C. 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, (49 CFR, Part 21) Nondiscrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") and other pertinent directives, no person in the United States shall, on the grounds of race, color, national origin, sex, age (over 40), religion, sexual orientation, gender identity, veteran status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the U.S. Department of Transportation, including the Federal Highway Administration, and hereby gives assurance that it will promptly take any necessary measures to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal-aid Highway Program:

1. That the Recipient agrees that each "facility" and each "program" as defined in subsections 21.23(b) and 21.23(e) of the Regulations will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal-aid Highway Program and, in an adapted form in all proposals for negotiated agreements.

#### Construction Proposals

The Lexington-Fayette Urban County Government in accordance with the provisions of the Title VI of the Civil Rights Act of 1964 (78 Stat. 252) and the regulations of the Federal Department of Transportation (49 CFR, Part 21), issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that the contract entered into pursuant to this advertisement will be

awarded to the lowest responsible bidder without discrimination on the grounds of race, color, national origin, sex, age (over 40), religion, sexual orientation, gender identity, veteran status, or disability.

#### Agreements for Other Services

Compliance with Regulations: The Consultant shall comply with the regulations of the Transportation Cabinet, Department of Highways, relative to nondiscrimination in Federally Assisted Programs of the Transportation Cabinet (49 CFR, Part 21) which are herein incorporated by reference and made a part of this contract.


3. That the Recipient shall insert one of these nondiscrimination clauses in every contract subject to the Act and the Regulations.
4. That the Recipient shall also insert into every relevant contract a clause stating that the contractors will not discriminate against any employee or applicant for employment because of race, color, national origin, sex, age (over 40), religion, sexual orientation, gender identity, veteran status, or disability.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, these assurances shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form of, or for the acquisition of real property, these assurances shall extend to rights to space on, over, or under such property.
7. That these assurances obligate the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefit; or (b) the period during which the recipient retains ownership or possession of the property.
8. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the delegated authority, to give a reasonable guarantee that it, other recipients, sub grantees, contractors, subcontractors, transferees, successors in

interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to the Act, the Regulations and these assurances.

9. The Recipient agrees that the United States has the right to seek judicial enforcement with regard to any matter rising under the Act, the Regulations, and these assurances.

These assurances are given in consideration of, and for the purpose of, obtaining any and all Federal grants, loans, contract, property, discounts, and/or other Federal financial assistance extend after the date hereof, to the Recipient by the U.S. Department of Transportation under the Federal-aid Highway Program. The person whose signature appears below is authorized to sign these assurances on behalf of the recipient.

Signed and approved this 25 day of June, 2021



Sally Hamilton  
Chief Administrative Officer

## **V. Program Review Procedures**

Each department, division and LFUCG program areas (including: Multicultural Affairs, Bluegrass Farm to Table, Economic Development, Planning, Diversity and Inclusion, Homelessness Prevention and Intervention, Purchase of Development Rights, Historic Preservation, Human Resources, LexCall, Grants & Special Programs, and departments of Environmental Quality & Public Works, Finance, General Services, Law, Public Safety and Social Services. See at Reporting Chart on page 12) are responsible for the following under Title VI, with support from the Office of Multicultural Affairs:

- Collecting and analyzing data on minority and low income populations to determine the potential impact of proposed plans, programs, and projects.
- Ensuring all contract documents contain the appropriate Title VI provisions.
- Consulting with the Title VI Coordinator when comments or complaints are received or issues arise during a public hearing/meeting.
- Ensuring that all people are treated equitably regardless of race, color, national origin.
- Monitoring Title VI accomplishments, notifying the Title VI Coordinator of problem areas and summarizing activities for inclusion in the Title VI Plan Update.
- Developing and updating internal policies and procedures to ensure Title VI compliance during all phases of projects, activities.
- Ensuring that all business pertaining to the selection, negotiation, and administration of consultant contracts and agreements is accomplished without discrimination based on race, color, national origin.
- Ensuring that efforts are made to include minority and women owned businesses in consideration for contracts.
- Ensuring that internal and external publications and all other relevant communications disseminated to the public include the Title VI policy reference and meet Title VI compliance.
- Providing reasonable accommodations, information in the appropriate language or interpreters as needed for individuals with disabilities and LEP persons.

### ***A. LFUCG Core Program Area Reporting***

The LFUCG currently receives funds from the U.S. Department of Transportation (U.S. DOT.) Federal Highway Administration (FHWA), Federal Motor Carrier Safety Administration

(FMCSA), U.S. Department of Justice, U.S. Department of Housing and Urban Development, and other federal sources. As a recipient of federal funds the LFUCG, pursuant to Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, 49 CFR Part 21 – U.S. DOT. Title VI Regulations, and 23 CFR 200 – FHWA Title VI Regulations, is required to ensure that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination on the grounds of race, color, or national origin under any program or activity receiving federal financial activity assistance from the federal government.

To aid in compliance with 23 CFR 200.9(b) (10), all LFUCG Divisions are asked to submit an annual report to the Title VI Coordinator to be used as an assessment tool to determine whether the program area is in compliance with Title VI. The report is further used to ascertain instances where the Title VI Coordinator may need to provide or request training and technical assistance to help the program area achieve its Title VI goals and maintain compliance. The Title VI Coordinator will review the data collection methods for each program area periodically to ensure compliance with LFUCG's Title VI Program requirements. Title VI Liaison for each area should prepare the report and submit it annually to the Title VI Coordinator by April 31.

Each report should contain the following information:

- Demographic information collected during the service delivery process
- Information concerning the dissemination of copies of The Civil Rights Act of 1964 non-discrimination statement
- Description of steps taken to ensure meaningful access to programs, activities, and services to LEP persons
- Description of costs using dollar amount incurred during the year while related to the LEP service provision
- Analysis of whether existing assistance meets LEP needs of those served by the program area and if not, a description of those needs
- Information regarding the viability of current LEP assistance sources, if applicable
- Description of Title VI training attended by division personnel, to include roster of attendees, dates, and locations of the training and information regarding the sponsoring organization.

The Title VI Coordinator will discuss with directors and liaisons effective tools to correct any discrimination that made or found in the program area.

### ***B. Special Emphasis Program Areas***

Each Division or Director has a Title VI liaison charged with reviewing any special program areas for Title VI compliance and all report to the Title VI officer and their Commissioners on any trends or sources of discrimination or potential discrimination. Division Directors continue to identify themselves or have newly identified Title VI Liaison for their division and provide

them with a summary of that role along with a copy of this year's (2020-2021) LFUCG Title VI Plan.

One Special Emphasis Program area arose in 2020-2021.

Further to a complaint investigation, the Division of Police on March 18 met with the University of KY's Director of Emergency Services and its Associate Director of Risk Management/Associate General Counsel to discuss LEP assistance provided on March 6 by the UKER Nurses and the SANE (LPD) Nurses. UK's Director Howard advised that the Police SANE Program would no longer have access to the in-person interpreters contracted by UK. This was a significant change to what had been the practice over the 20 years of a cooperative relationship and resulted in additional stress LEP resources. Recognizing that action taken can better prepare Police for whatever situations are faced; SANE are taking positive steps toward establishing additional LEP resource layers. Police have reached out to Access Language Solutions with the goal of having 24/7 in-person services for verbal and sign language interpretation services. This would be structured and contracted specifically for the LPD SANE Program; so that certified interpreters would come directly to the hospital to assist with the victim interviews and exams.

## **VI. Sub-recipient Review Procedures**

LFUCG is responsible for ensuring that contractors comply with Title VI requirements. To that end, all contracts contain language that ensures sub-recipients of federal funds will comply with Title VI requirements. LFUCG contractors and their subcontractors may not discriminate in their employment practices in connection with federally assisted projects. Contractors and subcontractors are not required to prepare or submit a Title VI Plan to LFUCG. LFUCG does not monitor said plans.

The Title VI Coordinator is working with the Director of Grants in a survey to all HUD sub-recipient organizations to determine their compliance efforts with Title VI and have additionally offered Title VI training for their staff.

In addition, the LFUCG division Title VI liaisons and the Title VI Coordinator investigate any comments, suggestions, or complaints related to sub-recipients' language access to limited English proficient residents or employees, and may provide recommendations to their programs to comply with Title VI of the Civil Rights Act of 1964 and related civil rights laws and regulations.



## **VII. Data Collection/Reporting/Analysis**

Statistical data on race, color, national origin, sex, age, disability, and LEP of participants in and beneficiaries of the LFUCG's programs, (e.g., the general public, but in particular, affected populations and participants) are gathered, analyzed, and maintained by the individual divisions as well as by the Multicultural Affairs and Title VI Coordinator. The data collected and analyzed helps to determine the languages, benefits and burdens to the population, including limited English, minority, low income or other national origin discrimination. Each of the LFUCG's Divisions will maintain data relative to their programs and activities. Division Directors regularly review data gathering procedures to ensure sufficiency of the data in meeting the requirements of Title VI program administration. Analysis of the data collected by the divisions may include:

- The race, color, national origin, sex, age, disability, income, and LEP of the population eligible to be served.
- Socioeconomic Assessment to evaluate project's potential impacts to the human environment.
- Persons to include in the decision making process.
- Percent of benefits allocated to persons below the poverty line vs. persons above the poverty line.
- Distribution of benefits (dollars, facilities, systems, projects) to groups and communities. Routinely discussed in Council's budget, finance, Social Services, and General Services working sessions with corresponding budget and service material and analysis by relevant Planning, Parks, Police, Homeless Prevention, Social Service, finance and other division directors, the Mayor and her staff, including economic development and multicultural affairs, as well as others in the CAO's office.
- Projected population increases versus planned facilities and types of facilities. Examples included Fire Department new fire stations planning and Town Branch Parks assessments. Major new water slide facilities planned and confirmed budgeted for minority areas.
- Language needs assessment. Multicultural Affairs and Title VI Coordinator's Annual Title VI Languages Report on English learner student languages, the growth patterns, and largest language group identifications based on the local public schools English learner enrollment from FCPS and a Master list of languages tracked together with UK Hospital language services personnel. Data collection is ongoing and provided on request by the public or internal divisions, and to all liaisons and Directors on an annual basis in March. Strategies and recommendations for providing language assistance are included. See Languages Report for 2021 attached.

- Transportation needs of all persons within boundaries of plans or projects.
- Strategies to address impacts.
- The manner in which services are or will be provided and the related data necessary for determining whether any persons are or will be denied such services based on prohibited discrimination.
- The location of existing or proposed facilities connected with the program and related information for determining whether the location has or will have the effect of unnecessarily denying access to any persons based on prohibited discrimination.
- The present or proposed membership, by race, color, national origin, sex, disability and age, in any planning or advisory body, which is an integral part of the program.
- Strategies to disseminate information. The Global Lex staff is part of the Mayor's office and charged with coordinating critical information to the limited English proficient language groups. They maintain contacts with hundreds of community leaders, interpreters, clergy, civic organizations, and multilingual media in a variety of platforms in order to disseminate information with continuous LEP community participation.

## **VIII. Employee Training Plan for Language Assistance**

The LFUCG identified a need to train all employees on Title VI and the timely, reasonable, and free provision of language assistance to the LEP public, both through written translations as well as by spoken interpretation, either in person through bilingual employees or professional interpreters, or through telephone service interpretation. Employees learn how to identify a particular language through “I Speak Posters” available to all divisions on line or in their lobby areas, or using Language Line assistance, the telephone interpreting service used by LFUCG with over 400 languages available. The service has personnel trained to lend identification of language assistance. LFUCG has implemented mandatory language assistance and Title VI training for all new employees by its Human Resources staff trainers. In 2020 and 2021, Employee Relations provided Title VI training for all new employees in orientation as well as seasonal employees and Corrections, Fire and Police recruit classes. Orientation for new hires has been conducted on 3rd Conference Room in the Phoenix Building; all other trainings were conducted at the departmental sites. A roster of trainings attended by LFUCG employees and their dates of attendance is attached to this Report.

In addition, on November 4, 9 and 13, 2020 the Division of Parks had 7 management team members attend Diversity and the Environment, Equity, Inclusion and Title VI training.

The Title VI Coordinator provided a 4-hour Title VI and Cross Cultural Communication class on August 20<sup>th</sup> and opened it to all AmeriCorps Vistas as well as to LFUCG personnel. The following YouTube presentation on Title VI <https://www.youtube.com/watch?v=mSGbIpKRQ-c> was followed by training on identifying a person’s language needs and the means to provide it via telephone or other interpreting means available in an employee’s division.

## **IX. Complaint Procedures**

### **Synopsis**

Notice of LFUCG's policy of nondiscrimination is in all lobby areas in all government buildings open to the public and online at <https://www.lexingtonky.gov/notice-title-vi> where English, Spanish and French complaint forms are available. Complaint forms are printed in English and Spanish and available at various LFUCG lobbies. This Title VI Implementation Plan requires immediate notification to the Title VI Coordinator of any complaint or allegation of discrimination, and assigns the responsible LFUCG division with the primary responsibility for evaluation and resolution of a complaint. The Title VI Coordinator and Department of Law staff provide assistance as needed.

The investigative file, investigative report, and recommended decision(s) are forwarded to the appropriate federal or state agency as appropriate to the program. All final decisions and dismissals will be issued by the Title VI Coordinator. Investigators and other LFUCG personnel will seek to informally resolve the complaint at every opportunity during the investigation.

This plan is for acknowledgment and investigation of an inquiry, comment, or complaint of discrimination received by the LFUCG or, per a federal or state agency's request.

### **Purpose**

To explain the process utilized by LFUCG and its recipients to investigate complaints, while ensuring due process for complainants. The process does not preclude the responsible office or other authorized LFUCG personnel from attempting to resolve complaints informally.

### **Applicability**

The complaint procedures outlined herein apply to the LFUCG and its sub-recipients for the investigation of external complaints of discrimination. The procedures do not preclude the responsible staff of any agency from attempting to informally and independently resolve complaints.

### **Nondiscrimination Policy**

#### **A. Procedure and Timeframe for Filing of Complaints**

##### **Persons Eligible to File:**

Any person who believes that he/she or any specific class of persons has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities, based upon race, color, sex, age, national origin, sexual orientation, income, LEP status, or disability may file a written complaint. The complaint may be filed by the affected individual or a representative.

##### **Timeframe for Filing Complaints and Contact Information:**

Complaints should be filed within 180-calendar days from the date of the alleged discriminatory act. Complaints should be submitted in writing and signed and may be filed via mail, fax, in person, or email

(which includes a copy of the signed/dated complaint as an attachment).<sup>1</sup> Any person requiring a reasonable accommodation may contact the LFUCG division processing the complaint to request reasonable accommodation. Allegations of discrimination received by fax or e-mail will be acknowledged and processed.

Allegations received by phone will be reduced to writing and provided to the complainant for confirmation or revision before processing.

### **Submitting Complaints and Receipt of Complaints**

Complaints should be submitted in the following format with the listed information:

- A signed (by the complainant or the complainant's representative) written explanation of what has happened to include the allegation or allegations of discrimination.
- The complainant's contact information.
- Identification of the respondent, e.g. LFUCG division alleged to have discriminated.
- Basis for the complaint, Race, Color or National Origin, limited English proficiency or other such as sex, age, disability or low income.
- Sufficient information regarding the facts that led the complainant to believe that discrimination has occurred.
- Date(s) of the alleged discriminatory act(s).
- Signature of the complainant or the complainant's representative.

After receipt of the complaint, the Title VI Liaison shall acknowledge the receipt in writing to the complainant. The acknowledgement shall include notification that an investigation will be initiated within seven (7) business days. A copy of the complaint and the acknowledgment will then be forwarded to the Title VI Coordinator and the relevant federal agency.

The Title VI Liaison shall conduct a full investigation, when warranted, and furnish a preliminary written report, including recommendations for resolution to the Division Director, or appropriate official, for a final determination. Personnel trained in compliance investigations will conduct investigations.

Title VI Liaison shall notify the complainant of the final decision within 10 business days of completion of the investigation and a copy of the decision will be forwarded to the relevant federal agency.

Title VI Liaison shall further notify the complainant of his or her right to appeal the decision to the relevant federal agency if the decision is not acceptable.

The entire procedure as outlined shall be completed within 60 days.

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<sup>1</sup> While the referenced statement indicates a complaint should be in writing and signed, the receiving division must accept complaints in alternate forms

Records pertaining to complaints, inquiries and investigations will be maintained in the respective LFUCG Divisions by the Title VI Liaison with all documents and data furnished annually and upon request to the Title VI Coordinator as needed for reporting purposes.

### **B. Agencies Authorized to Receive Complaints**

Complaints may be submitted directly to the Federal Highway Administration (FHWA), Kentucky Transportation Cabinet (KYTC), the United States Department of Transportation (U.S. DOT), the U.S. Department of Justice (U.S. DOJ), and other relevant state and federal agencies as appropriate.

### **C. Processing Complaints**

Complaints filed with the LFUCG in which LFUCG is named as the Respondent, shall be forwarded to the relevant state and federal agencies.

Complaints filed against federal aid sub-recipients and contractors will be sent to the appropriate LFUCG division for investigation.

Complaints filed with LFUCG against its sub-recipients shall be processed by LFUCG in accordance with federally approved procedures as required pursuant to 23 CFR 200.

Complaints filed with a sub-recipient shall be forwarded to LFUCG within three days of receipt.

#### **Complaints filed with Sub-recipients**

Complaints filed with a sub-recipient shall be forwarded to the LFUCG to the attention of the Title VI Coordinator for processing.

In special cases warranting intervention to ensure justice, a state or federal agency may assume jurisdiction and either complete or obtain services to review or investigate a matter. Materials already obtained by State investigators may be relied upon or supplemented or the matter may be reinvestigated.

In accordance with the regulations at 23 CFR 200.9(b)(3), a copy of the complaint, together with a copy of the LFUCG report of the investigation, shall be forwarded to the relevant federal agency within 60 days of the date the complaint was received by LFUCG. An extension of an additional 60 days may be granted for justifiable reasons.

### **D. Acceptance and/or Dismissal of Complaints**

When any division of LFUCG receives an inquiry, comment, or complaint, which alleges or implies discrimination as addressed by Title VI of the Civil Rights Act of 1964, a copy is forwarded immediately to the relevant division's Title VI Liaison. The original document will be forwarded to the Title VI Coordinator, which is responsible for logging in the document and maintaining the required statistical data.

The Title VI Coordinator or designee will discuss the matter with the division's Title VI Liaison to determine if it constitutes a Title VI complaint. If it is determined that the issues do not meet a Title VI complaint, the Title VI Coordinator will submit the appropriate response.

If it is determined that the issues constitute a Title VI complaint, the Title VI Coordinator will determine responsibility and refer to the appropriate Title VI Liaison. The Division Director or Title VI Liaison may request additional information and/or clarification. The Title VI Liaison shall maintain a log of complaints filed with and investigated by the Division.

The Title VI Liaison will respond in writing, acknowledging receipt of complaint within 7 days from date of receipt. After reviewing the complaint, The Title VI Liaison may recommend dismissal of a complaint for any of the following reasons:

1. The complaint was filed in an untimely manner.
2. The complaint does not allege a basis covered by the authorities for which LFUCG is responsible.
3. The complaint does not allege any harm with regard to covered programs or statutes.
4. The complainant requests the withdrawal of the complaint.
5. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
6. The complainant cannot be located after reasonable attempts.
7. The complainant fails to accept a reasonable resolution. Reasonableness to be determined by the relevant state or federal agency.
8. The complainant has filed a legal action in Federal District Court with the same basis and issue(s) involved in the complaint.
9. The same complainant's allegations have been filed with another federal, state, or local agency.

Acceptance of a complaint will be determined by the following:

1. Timely filing of the complaint.
2. If the allegations involve a covered basis such as race, color, national origin, limited English proficiency, sex, age, and disability, or low income, or retaliation.
3. If the allegations involve a program or activity of a federal aid recipient, sub - recipient, or contractor.

All complaints received by LFUCG will be logged for tracking purposes.

### **E. Withdrawal of a Complaint**

The complainant may withdraw his or her complaint at any time after filing and prior to the issuance of a determination or resolution by the LFUCG. The complainant must submit a written withdrawal to Title VI Coordinator.

### **F. Appeal Process**

If a complaint cannot be resolved by the LFUCG to the satisfaction of the complainant, the complainant may appeal, in writing, to the relevant state or federal agency. Discrimination complaints may be filed with a state or federal agency before, during, or after the complaint has been filed with the LFUCG.



## **X. Public Participation Plan**

### **Introduction**

The Public Participation Plan (PPP) for LFUCG was developed to ensure that all members of the public, including minorities and Limited English Proficient (LEP) populations, are encouraged to participate in the decision making process. Decisions need to take into consideration community sentiment and public opinion based upon well-executed outreach efforts. The public outreach strategies described in the PPP are designed to provide the public with effective access to information about LFUCG programs and to provide a variety of efficient and convenient methods for receiving and considering public comment prior to implementing changes. LFUCG also recognizes the importance of many types of stakeholders in the decision-making process, including other units of government, metropolitan area agencies, community based organizations, major employers, and the general public, including low-income, minority, LEP, and other traditionally underserved communities.

### **Public Participation Goals**

The main goal of the PPP is to offer meaningful opportunities for all interested segments of the public, including, but not limited to, low-income, minority and LEP groups, to comment, about LFUCG and its services, programs, and operations. The goals for this PPP include:

- **Inclusion and Diversity:** LFUCG will proactively reach out and engage low-income, minority, and LEP populations within Lexington-Fayette County so these groups will have an opportunity to participate.
- **Accessibility:** All legal requirements for accessibility will be met. Efforts will be made to enhance the accessibility of the public's participation – physically, geographically, temporally, linguistically and culturally.
- **Clarity and Relevance:** Issues will be framed in public meetings in such a way that the significance and potential effect of proposed decisions is understood by participants. Proposed changes to programs, policies, and services will be described in language that is clear and easy to understand.
- **Responsive:** LFUCG will strive to respond to and incorporate, when possible, appropriate public comments into its decisions.
- **Tailored:** Public participation methods will be tailored to match local and cultural preferences as much as possible.
- **Flexible:** The public participation process will accommodate participation in a variety of ways and will be adjusted over time as needed.

### **Public Participation Methods**

The methods of public participation included in this PPP were developed based upon best

practices in conjunction with the needs and capabilities of LFUCG. LFUCG intends to achieve meaningful public participation by a variety of methods.

LFUCG will conduct community meetings and listening sessions as appropriate with residents, employers, community based organizations, and advisory committees to gather public input and distribute information.

The public will be invited to provide feedback and public comment by calling the LexCall office at 311 or (859) 425-2255 (TTY 859-425-2563) during its hours of operation. Feedback collected over the phone will be passed on to the relevant division or department. Alternatively, the public may contact the relevant division or department directly by using the contact information, including mailing address or email address, provided on <https://www.lexingtonky.gov> after searching for the relevant division or department. The public is also invited to contact his or her councilmember or the Office of the Mayor to provide comments, questions, or feedback. The contact information for councilmembers, as well how to determine one's councilmembers, can be found at [www.lexingtonky.gov/browse/government/council](http://www.lexingtonky.gov/browse/government/council) or by contacting LexCall. The contact information for the Office of the Mayor can be found at <https://www.lexingtonky.gov/about-mayor-linda-gorton> or by contacting LexCall. Formal surveys to measure performance, and listening sessions to solicit input, will be conducted periodically. The comments recorded as a part of these participation methods will be responded to as appropriate.

Meeting formats will be tailored to help achieve specific public participation goals that vary by project or the nature of the program. However, all council meetings, work sessions, and committee meetings are open to the public, either in person or virtually during the pandemic, and used to solicit public comment, either in person, as appropriate, or otherwise through the methods provided herein. Members of the public are given the opportunity to address the council or committee on any agenda item or topics not on the agenda during in person meetings. Some meetings will be designed to share information and answer questions. Some will be designed to engage the public in providing input, establishing priorities, and helping to achieve consensus on a specific recommendation. In each case, an agenda for the meetings will be created that work to achieve the stated goals and is relevant to the subject and not overwhelming for the public.

During the pandemic and the resulting States of Emergency declared by both the Governor of Kentucky as well as the Mayor of the Lexington-Fayette Urban County Government, all council meetings, work sessions, and committee meetings were held virtually, until or about June 2021. While boards and commissions will also meet virtually during the pandemic, some, such as the Planning Commission and Board of Adjustment, will also allow for public comment during the meeting via phone or video conferencing. Voting members must be visible and audible during virtual meetings in order to participate in any formal committee action. Any interruption of the video/audio broadcast of a virtual meeting shall result in the suspension of the virtual meeting until video/audio is restored.

For all public meetings, not held virtually due to the pandemic, the venue will be a facility that is accessible for persons with disabilities and is served by public transit. Various public meetings of the Urban County Council, whether in person or virtual, may be viewed online at [www.lexingtonky.gov/lextv](http://www.lexingtonky.gov/lextv) or on Spectrum channel 185; Metronet channel 3; or Windstream

channels 3 and 20, and are archived for later viewing. Meetings of various other boards and commissions may also be viewed on LexTV's Youtube channel ([www.youtube.com/user/LFUCGGTV3](http://www.youtube.com/user/LFUCGGTV3)). Notices for virtual meetings shall provide the web links and associated call-in numbers to allow the public to view or listen to public meetings.

For community meetings and other important information, LFUCG will use a variety of means to make residents aware, including some or all of the following methods:

- Social media
- Meeting notices online and posted as required by the Kentucky Open Meetings Act
- Posting information, including a meeting calendar, on its website
- Press releases and briefings to media outlets
- Communications to and from relevant elected officials
- Other methods required by local or state laws or agreements

Some programs may have more specific public involvement plans, which may include in person public comment, targeting stakeholders who are most likely to be interested in the outcome of the plan or project in question. The public involvement strategies are geared to the target audience and may vary by program.

### **Public Hearing**

LFUCG is required to provide public hearings for various programs. The methods provided herein shall be used to solicit public participation.

### **Public Distribution of Information and Participation Notifications**

The LFUCG will disseminate Title VI Program information to employees, contractors, sub-recipients and beneficiaries, as well as to the public, including the LEP public as per the LFUCG Title VI Policy stated above. A variety of public notification and participation procedures will be used to encourage the early and continuous involvement of all citizens, communities, and others interested in the planning process and decisions of the LFUCG.

The LFUCG will discuss and/or distribute Title VI information using multilingual staff, professional translators, and mass media including, but not limited to the following:

- Policy statements
- The Lexington Global Engagement Center (GLOBAL LEX) multilingual translations, dissemination and outreach to international community, organizations, interpreters, in staff meetings, emails, phone and personal contact with LEP community members. Translations targeting significant language groups as identified on an annual basis by the Title VI Coordinator based on the Fayette County Public School languages of LEP students enrolled learning English. In 2020 and 2021 Global Lex translated or had translations made or accessed

for all Covid-19 related emergency response mitigation. See multilingual postings at : <https://www.lexingtonky.gov/global-lex>. All translations to Spanish, French, Arabic, Swahili and many more were also sent via a network of foreign language speaking community leaders, churches, cultural, civic, and health groups. Eviction prevention assistance provided in 7 languages and ARPA funds surveys were translated to 5 languages. Small Business grant applications were provided in Spanish and workshops held in August at Global Lex in Spanish.

- The Dailies and monthly Global Lex Newsletter and web page at [www.lexingtonky.gov/global-lex](http://www.lexingtonky.gov/global-lex)
- Inclusion of Title VI language in contracts
- RadioLex and other multilingual radio and newspaper media
- New employee orientation training
- Federal EEO posters
- LFUCG Web site: [www.lexingtonky.gov](http://www.lexingtonky.gov)
- [LFUCG Intranet](#)
- Other significant publications, e.g., newspapers, brochures, and written literature with language assistance as per population growth indicates
- Mailings
- Meetings open to the public with ASL and other interpreters as required
- Events such as On the Table, Public Performances, Health Fairs, Community Festivals.

Further, notices informing the public and all employees that the LFUCG complies with Title VI of the Civil Rights Act of 1964 will be displayed in a prominent place in all lobbies and offices open to the public, including the LEP public. See pages 10 and 11 above. In addition, the non-discrimination statement is posted in multiple locations, including but not limited to the following:

- HR home page <https://www.lexingtonky.gov/departments/human-resources>
- HR jobs page <https://www.lexingtonky.gov/jobs>
- Employee Handbook <https://www.lexingtonky.gov/equal-employment-opportunity>
- Workplace mandatory posters <http://intranet.lexingtonky.gov/forms-policies-posters/posters>
- Mandatory posters board on the 8th floor of the Government Center

## **Environmental Justice (EJ) and its Public Participation**

Executive Order (E.O. 12898) was issued to focus federal attention on the environmental and human health conditions in minority and low-income communities to promote non-discrimination in federal programs substantially affecting human health and the environment and to provide

minority and low-income communities access to public information on and an opportunity for public participation in matters relating to human health or the environment.

The LFUCG will utilize the US Census Bureau data, the American Community Survey data, the Multicultural Affairs and Title VI Coordinator's Annual Title VI Languages Report, and the following checklist to identify targeted populations:

- Make a list of potential demographic groups to consider for the region or start with the required EJ populations defined by the Executive Order and supportive guidance.
- Consider groups that are underrepresented in typical public involvement and decision making processes, have limited access to the full benefits of the government's services, or have encountered disproportionate impacts from past decisions. See list of groups below.
- Decide on the level of detail required for identifying groups spatially and identifying data sources to use to conduct a spatial demographic profile.
- Engage leaders and representatives of demographic groups to help identify target populations, spatially and non-spatially. In addition to clergy from a vast array of denominations, civic groups are routinely engaged including: BUILD - Building a United Interfaith Lexington through Direct-action; the Bluegrass Indo-American Association; the Japan American Association of KY; the Latin American Arts and Culture Association, Casa de la Cultura Hispana; the KY Chinese American Association; the KY Sikh Association, Empucate International and many more community leaders are called to meetings, committees, and On the Table (city wide community meetings on specific issues to gather input and recommendations from the broadest possible diversity of residents), and other events along with other members of the public in general.

Examples of Environmental Justice compliance include the Division of Engineering that predominantly uses federal funding and follows state and federal guidelines, in particular E.O. 12898 primarily through the environmental documentation process, which determines the level of impact and the corresponding requirements. Engineering provides a form of public involvement on almost all projects, regardless of funding source, to allow comments on proposed infrastructure improvements. Smaller projects (sidewalks, minor widening's, etc.) typically qualify for a CE (Categorical Exclusion) which means little impact and therefore little coordination with the public. The other end of the spectrum (on a new major roadway such as Oliver Lewis Way thru a minority neighborhood) is the full Environmental Impact Study and Record of Decision. These FHWA approved documents call out specific requirements as to public involvement and mitigation measures.

The Division of Planning and Engineering routinely comply with E.O. 12898 and Title VI. See:

<https://www.dropbox.com/sh/lwzicggxkzemzm4/AAATyRWfLPij6q92JUTiHv1ma?dl=0>

(See pages 204 and 252). More recently, Spanish interpreters were hired to assist for the Versailles Road Improvements project from community meetings to input in planning. The 11<sup>th</sup> District Council Member helped with community surveys and hosted various meetings at the Village Branch Library where predominately Hispanic and other local members participated. Global Lex staff and the Multicultural Affairs and Title VI Coordinator were present at most meetings, as was the Spanish interpreter along with the Council Member and the Engineering and Planning Division staff.

## **XI. Limited English Proficiency Plan & 4 Factors Analysis**

The LFUCG is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. The LFUCG assures that no person shall on the grounds of race, color, national origin, age, gender, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any LFUCG services, program or activity.

The LFUCG also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. Therefore, in accordance with Presidential Executive Order 13166 – *Improving Access to Services for Persons with Limited English Proficiency (LEP)*, the LFUCG will take reasonable steps to provide meaningful access to services for persons with LEP.

The LFUCG has an on-going commitment to ensure effective communication by developing and implementing policies and procedures for identifying and assessing the language needs of its LEP applicants/clients; and provide a range of language assistance options, timely and free, which include, but are not limited to the following:

- Conduct needs assessment
- Language Line
- “I Speak” cards
- Written language service
- Qualified Bilingual and Multilingual staff
- Access to qualified and trained interpreters
- Community-based organizations/volunteers/interns
- Develop written assessment
- Monitor and evaluate access to language assistance

### **The Four Factor Analysis**

Persons, who do not speak English as their primary language and have the limited ability to read, speak, write, or understand English, are Limited English Proficient (LEP). LEP persons may be entitled to language assistance depending on the type of service, program, or activity. Individuals that identify themselves as speaking English less than “very well” are considered to be Limited English Proficient based upon their self-identified limited ability to read, write, speak, or understand English. Therefore, it can be inferred that it is difficult for LEP individuals to have meaningful access to programs and services that are offered by LFUCG.

In order to determine if written or oral communication must be translated or interpreted and what languages they must be translated or interpreted to, a four-factor analysis is used. The four-factor analysis considers the following:

1. The number or proportion of LEP persons served or encountered in the eligible service population
2. The frequency with which LEP individuals come in contact with the program, activity, or service
3. The nature and importance of the program, activity, or service provided by the program
4. The resources available to the recipient and costs

**Factor 1 – The Number or Portion of LEP Persons served or encountered in the eligible service population**

Based on data from the American Community Survey<sup>2</sup> the total population of Lexington-Fayette County is estimated to be 324,735; the breakdown of the total population is as follows (2020 not yet available):

- White – 71.3%
- Black or African American – 14.4%
- Hispanic or Latino – 7.4%
- Asian – 3.6%
- American Indian or Alaska Native – 0.3%
- Native Hawaiian and Other Pacific Islander – 0.1%

Fayette County Public Schools report the following student population:

- White- 48.7%
- Black or African American – 22.8%
- Hispanic: 17.8%
- Asian: 4.8%
- Other: 5.5%

According to the data from the U.S. Census, Hispanics or Latinos make up the county's largest LEP demographic, therefore; LFUCG tends to focus its analysis on this group. Language assistance is available to other LEP speaking individuals as the need presents itself.

Also according to U.S. Census Data, a language other than English is spoken by 12.4 percent of the Fayette County population with 5.6 percent of the county's population speaking English "Less than very well." Spanish is by far the most common language spoken other than English at 6.1 percent of the population with 3.0 percent of the county's Spanish speakers reporting they speak

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<sup>2</sup> Source: U.S. Census Bureau, 2018 (as of July 1, 2018) ACS 5 Year Estimates Demographic Characteristics.



English “less than very well.”<sup>3</sup>

**Factor 2 – Frequency with which LEP Individuals come in contact with LFUCG Programs, Activities or Services.**

LFUCG’s telephone interpreter usage shows that the LEP individual’s language encounters consistently mirror the first 15 top languages of the 94 represented in the English learner programs at FCPS. All languages are tracked with LFUCG/Hospital/FCPS data, and are included in a Master list of Languages encountered in Lexington in the past decade. The list currently has 206 different languages. List is available on request. According to data collected from LFUCG’s Language Line use for September of 2020-September of 2021, LFUCG has had, or may encounter LEP individuals as shown in the chart below:

<b>LFUCG Language Line Summary</b>		
<i>Start Date 9/1/2020 - End Date 9/23/2021</i>		
Language	Calls	% of Total
Spanish	3342	86.6
Swahili	249	6.5
French	103	2.7
Nepali	34	0.9
Kinyarwanda	32	0.8
Arabic	25	0.7
Mandarin	22	0.6
Japanese	8	0.2
Portuguese	7	0.2
Hindi	6	0.2
Russian	4	0.1
Vietnamese	4	0.1
Ukrainian	4	0.1
Mongolian	3	0.1
Hebrew	2	0.1
Rundi	2	0.1
Chin	1	0
Italian	1	0
Romanian	1	0
Ilocano	1	0

<sup>3</sup> Source: U.S. Census Bureau, 2019 ACS Estimates Social Characteristics.

Lingala	1	0
Portuguese Braz	1	0
Punjabi	1	0
Akan	1	0
Khmer	1	0
Tigrigna	1	0
Haitian Creole	1	0
Hmong	1	0

The Title VI Coordinator provided an annual foreign languages update report to Title VI Liaisons and Division Directors in May of 2021 on FCPS English learner student data. Briefly, it records:

FCPS' top 10-15 languages directly correlate with E911 foreign language calls. In May of 2021, E-911 over the phone interpretation requested Spanish, Swahili, French, Arabic, Nepali, Mandarin Kinyarwanda Punjabi, Rundi, Italian and Ilocano. As you can see below, year after year, the public school ESL records and E-911 calls are a good mirror of the entire immigrant population. FCPS' top languages at this time are:

1. Spanish
2. Swahili
3. Arabic
4. Nepali speakers (most newcomers are Nepali-Bhutanese refugees)
5. French
6. Chinese, Mandarin
7. Japanese
8. Kinyarwanda
9. Korean
10. Portuguese

Followed closely by Vietnamese and Russian.

Note the top eight language groups have thousands of EL residents: Swahili close to 6 thousand, Arabic over 4,000, Nepali and French close to 3,000, Japanese and Mandarin close to 2,000, Kinyarwanda 1,300, and Korean and Portuguese getting close to 1000 each. This again does not mean there are only 700 Koreans, but rather, that 700 of them may not speak English well and are therefore entitled to language assistance. Fifteen other top languages, in descending order, follow the above top 10 language groups: Russian, Vietnamese, Lingala, Khmer, Hindi, Telugu, Ukrainian, Gujarati, Albanian, Pashto, Tamil, Urdu, Wolof, Kirundi, and Twi. They are present but encountered less frequently.

### **Factor 3 – The Nature and Importance of the Programs, Activities, or Services Provided by LFUCG to the LEP Population**

LFUCG has an important role in the lives of the LEP population and the citizens of Lexington-Fayette County. LEP individuals and minority communities are typically the populations that experience the greatest impact when government makes decisions. LFUCG is dedicated to providing safe and dependable services to the LEP populations it serves as well as the people of Lexington-Fayette County.

LFUCG's critical services are those that provide customer service to the public, such as public

transportation, public safety, right of way procurements, public involvement, social services, and safety in regards to construction, and allowing access to file a complaint.

LFUCG will continue to monitor this area by communicating with community organizations that serve LEP individuals, as well as with LEP persons. Global Lex staff have generated a list of LFUCG and community service providers that provide language access to information and to their programs. The resource list is a work in progress and shared internally as well as with local service providers to the LEP. The 2020 and 2021 pandemic has brought to the forefront many critical health and economic programs with multilingual information disseminated from the Mayor's Office, from Global Lex, and from other Divisions and partner agencies. See <https://www.lexingtonky.gov/global-lex> for a sampling of translations.

#### **Factor 4 – Resources Available to the LFUCG and Overall Cost**

Language Line is available to all Divisions through the operators of 311 or LexCall (Code Enforcement, Water Quality, Environmental); and the Police, Fire, and EMS use E 911 interpreter assistance as well. The Mayor's Office, the Division of Emergency Management and the Department of Social Services Divisions all have direct access codes to Language Line telephone interpreters. This service provides interpreters for some 400 foreign languages in a matter of minutes. Various Divisions of LFUCG have hired bilingual and multilingual personnel in languages most frequently encountered in Lexington, such as Spanish, French, Arabic, Chinese, Japanese, and Russian. The use of professional translation and interpreter services are utilized where LFUCG employees are unable or should not offer translation services, such as, an unfamiliar language or dialect, a legal matter or need for expert testimony. Global Lex staff have done extensive quality control assessments and reviews of translations for hundreds of documents for dozens of divisions and programs. Payment for these professional services is expended when services are rendered through professional services accounts. The Lexington Global Engagement Center, with 2 full-time and 1 part-time staff members who collectively speak Spanish, French, and Arabic fluently and German and Russian less so. In addition, ½ of the Global Lex budget is for Professional Foreign Language Services. Currently one grant for domestic violence prevention supports further language access to services and programs for the LEP communities in Lexington. A Nepali speaker is based in the Commissioner for Social Services office, and trained for a year at Global Lex with the supervision of the Multicultural Affairs Coordinator, who is also the Title VI Coordinator for LFUCG and supervisor of Global Lex under the office of the Mayor.

## **XII. Safe Harbor Provision**

DOT has adopted the Department of Justice's Safe Harbor Provision, which outlines circumstances that can provide a "safe harbor" for recipients regarding translation of written materials for LEP population. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient's written translation obligations. Translation of non-vital documents, if needed, can be provided orally. If there are fewer than 50 persons in a language group that reaches the five percent (5%) trigger, the recipient is not required to translate vital written materials but should provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost. The latest U.S. Census data shows that Fayette County's largest language group, Spanish speakers or Hispanics, are 7.4% of the total Fayette County population. As such, all documents deemed vital by division directors, including non-discrimination policies, notices, and other important information required to serve the Hispanic population, is routinely translated by LFUCG employees or by professional translators. This includes but is not limited to the divisions of Police, Corrections, Parks, Waste Management, Mayor's Office announcements, Emergency Management, and Social Services Divisions. Translated material is provided free of charge to the public. In addition, voice messages are provided in Spanish by LexCall to apprise the Spanish speaking public of changes to routine city services or activated when appropriate to take emergency management referrals. Furthermore, LFUCG has telephone interpreting services in some 400 languages that E-911, Lex Call, and other LFUCG division employees have access to as needed, and again, provided free of charge to the public. Additionally, many divisions have hired multilingual employees, including Police, Parks, Mayor's Office through Global Lex staff, Emergency Management, as well as all Social Services Divisions.

### **XIII. Review of Compliance & Reporting**

The Title VI Coordinator takes an annual survey of relevant division directors and Title VI liaisons, requesting a Title VI review of language access compliance such as tracking LEP encounters, the training, and protocols required under the policies and procedures relative to Title VI. This includes, but is not limited to, a review of demographic data, of complaints received for investigation and any new service or program, or gaps in services offered to recipients and beneficiaries of LFUCG's services.

The Coordinator reviews the division reports and makes recommendations regarding foreign language groups, tracking or training, and suggestions for cost effective compliance. This includes suggestions for implementing division goals for the following year, cost analysis for interpreting and for translations, and any other efforts or barriers to language access compliance.

The LFUCG offices, departments, divisions who receive federal funds continually collect program data, *see* page 25 above on data collection, although it is not always documented to denote such. Self-surveys are periodically sent to sub-recipients and sub-grantees. These self-surveys examine all facets of the programs offered by the agency surveyed. Instances of which the onsite and/or survey reveals that the agency or one or more of its programs is not in compliance with Title VI an investigation will be conducted by the Title VI Coordinator. Records of the self-survey and efforts put forth to bring the division into compliance will be maintained. These will include correspondence, resolution, and corrective actions.

In the event of noncompliance with this plan or applicable regulations and laws are determined via a complaint investigation or through the self-survey process; the LFUCG will make every effort to attain full compliance.

The Title VI Coordinator shall notify the appropriate commissioner, division director, and the CAO's office in the event a comment or complaint investigation, compliance review, or self-survey indicates noncompliance. The notification shall state the condition of noncompliance, recommended approach to correct the situation, and the period for timely response and corrective action. The Title VI Coordinator may conduct an interview to consult with the program head regarding the correct approach to remedy noncompliance.

## **XIV. APPENDIX**

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## APPENDIX A

### The United States Department of Transportation

### Standard Title VI/Non-Discrimination Assurances

#### DOT Order No. 1050.2A

The (Lexington-Fayette Urban County Government) (herein referred to as the “Recipient”), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the **Federal Motor Carrier Safety Administration (FMCSA)**, is subject to and will comply with the following:

#### Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 Stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 *et seq.*), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 49 C.F.R. part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 49 C.F.R. part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. part 28 (entitled *Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
- 49 C.F.R. part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
- 49 C.F.R. part 303 (FMCSA’s Title VI/Nondiscrimination Regulation);
- 28 C.F.R. part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their

responsibilities. Executive Order 12898 (1995), entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI, to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FMCSA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following FHWA website for more information and facts about Environmental Justice: [http://www.fhwa.dot.gov/environment/environmental\\_justice/index.cfm](http://www.fhwa.dot.gov/environment/environmental_justice/index.cfm)

Additionally, Executive Order 13166 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the “*application of Title VI’s prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency.*” When receiving Federal funds Recipients are expected to conduct a Four-Factor Analysis to prevent discrimination based on National Origin. (See also U.S. DOT’s “*Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons,*” dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

### **General Assurances**

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

*“No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from DOT, including the FMCSA.”*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973) by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally-assisted.

### **Specific Assurances**

More specifically, and without limiting the above general Assurances, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted **FMCSA Program**:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in 49 C.F.R. §§ 21.23 (b) and 21.23 (e) will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations;
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with the FMCSA Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:



*“The (Lexington-Fayette Urban County Government), in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner’s race, color, national origin, sex, age, disability, income-level, or LEP in consideration for an award.”;*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient;
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith;
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property;
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
  - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, [Lexington-Fayette Urban County Government] also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the **FMCSA** access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the **FMCSA**. You must keep records, reports, and submit the material for review upon request to **FMCSA**, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

[Lexington-Fayette Urban County Government] gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the Department of Transportation under the **FMCSA Program**. This ASSURANCE is binding on [insert State], other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the **FMCSA Program**. The person (s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

LFUCG  
\_\_\_\_\_  
(Name of Recipient)  
by \_\_\_\_\_  
(Signature of Authorized Official)  
DATED 6/25/2021 \_\_\_\_\_

## SUB-APPENDIX A TO APPENDIX A

### *Title VI contract language to be included in LFUCG contracts:*

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 C.F.R. part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FMCSA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FMCSA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FMCSA may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FMCSA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to

protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## SUB-APPENDIX B TO APPENDIX A

### *Clauses for deeds transferring United States property*

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

**NOW, THEREFORE**, the Department of Transportation as authorized by law and upon the condition that the (Lexington-Fayette Urban County Government) will accept title to the lands and maintain the project constructed thereon in accordance with (Name of Appropriate Legislative Authority), the Regulations for the Administration of **Federal Motor Carrier Safety Administration (FMCSA) Program**, and the policies and procedures prescribed by the FMCSA of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the (Lexington-Fayette Urban County Government) all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

### **(HABENDUM CLAUSE)**

**TO HAVE AND TO HOLD** said lands and interests therein unto (Lexington-Fayette Urban County Government) and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the (Lexington-Fayette Urban County Government), its successors and assigns.

The (Lexington-Fayette Urban County Government), in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the (Lexington-Fayette Urban County Government) will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI.)

## SUB-APPENDIX C TO APPENDIX A

### *Clauses for transfer of real property acquired or improved under the activity, facility or program*

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the (Lexington-Fayette Urban County Government) pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:
  - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, (Lexington-Fayette Urban County Government) will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the (Lexington-Fayette Urban County Government) will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the (Lexington-Fayette Urban County Government) and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.

## SUB-APPENDIX D TO APPENDIX A

### *Clauses for construction/use/access to real property acquired under the activity, facility or program*

The following clauses will be included in deeds, licenses, permits, or similar instruments/ agreements entered into by **(Lexington-Fayette Urban County Government)** pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, “as a covenant running with the land”) that (1) no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, **(Lexington-Fayette Urban County Government)** will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, **(Lexington-Fayette Urban County Government)** will there upon revert to and vest in and become the absolute property of **(Lexington-Fayette Urban County Government)** and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.)



## SUB-APPENDIX E TO APPENDIX A

*Title VI contract language to be included in LFUCG contracts:*

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d *et seq.*), (prohibits discrimination on the basis of race, color, national origin), as implemented by 49 C.F.R. § 21.1 *et seq.* and 49 C.F.R. part 303;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 *et seq.*) (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794 *et seq.*) (prohibits discrimination on the basis of disability); and 49 C.F.R. part 27;
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 *et seq.*) (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982 (Pub. L. 97-248 (1982)), as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (102 Stat. 28) (“....which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.”);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189), as implemented by Department of Justice regulations at 28 C.F.R. parts 35 and 36, and Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 *et seq.*).

***LFUCG – Title VI Complaint Log***

**\*\*2.11.21** Complaint by bilingual French speaker testing 311 Language Line complained of dropped Language Line calls, static on the line, and long wait time. The complaint was with the telephone interpreting service itself. Both 311 call center and the E911 directors did surveys the week of the 26<sup>th</sup> of February with their staff to determine whether the Language Line service had recurring dropped calls, a long wait time and static.

They reported rare instances, but a call to the service provider explained that with interpreters working from home through their private cell phones, dropped calls and static was an occasional result. This was explained to the complaint caller and the investigation was closed.

**\*\*\*3.11.21** Complaint by UK Health ER regarding LPD's staff in meeting Spanish language needs of two domestic violence victims on 3/6/21. Investigation by Police found hospital had been using the victim's daughter to communicate, and Nurse asked about the availability of an interpreter. Due to scheduling conflicts exams were postponed. Ultimately, the exams for P1 and P2 were successfully facilitated with the assistance of the UKER Interpreter. According to Police on March 18th, (LPD) met with (UK Emergency Services) and (UK Associate Director of Risk Management/Associate General Counsel) to discuss LEP assistance provided on March 6th by the UKER Nurses and the (LPD) staff. Director advised that our Program staff would no longer have access to the in-person interpreters contracted by UK. The explanation was that their involvement with our victims may negatively impact services available for other UK patients. This is a significant change to what has been the practice over the 20 years of our cooperative relationship and does result in additional stress on our current LEP resources. Recognizing that action taken now can better prepare police for whatever situations are faced; program administrators are taking positive steps toward establishing additional LEP resource layers. Police have reached out to an interpreting agency with the goal of having 24/7 in-person services for verbal and sign language interpretation services. This would be structured and contracted specifically for the LPD Program; so that certified interpreters would come directly to the hospital to assist with the victim interviews and exams.

**APPENDIX C*****NATIONAL ORIGIN DISCRIMINATION COMPLAINT FORM***

**Instructions: Complete and sign this form, and the attached Consent Release form, then e-mail  
OR mail it to the Lexington Fayette Urban County Government (LFUCG) Title VI Officer:  
Isabel G. Taylor [itaylor@lexingtonky.gov](mailto:itaylor@lexingtonky.gov)  
1306 Versailles Rd, Suite 110  
Lexington, KY 40504**

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**Sec. 1. COMPLAINANT INFORMATION**

Name: \_\_\_\_\_ e-mail: \_\_\_\_\_

Address: \_\_\_\_\_

Zip \_\_\_\_\_

Cell: (\_\_\_\_) \_\_\_\_\_ Work: (\_\_\_\_) \_\_\_\_\_

Person(s) discriminated against, if different from above:

Name: \_\_\_\_\_ e-mail: \_\_\_\_\_

Address: \_\_\_\_\_

Zip \_\_\_\_\_

Cell: (\_\_\_\_) \_\_\_\_\_ Work: (\_\_\_\_) \_\_\_\_\_

Please explain your relationship to this person(s). \_\_\_\_\_

**Sec. 2. COMPLAINT DETAILS**

(a) Division, Department, program, or subcontractor agency or program that discriminated:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Zip \_\_\_\_\_

Cell: (\_\_\_\_) \_\_\_\_\_ Work: (\_\_\_\_) \_\_\_\_\_

(b) Does your complaint concern discrimination in access to a program or the delivery of services or in other discriminatory actions of the LFUCG department or subcontractor agency in its treatment of

you or others? If so, please indicate below the base(s) on which you believe these discriminatory actions were taken.

\_\_\_\_ Race/Ethnicity: \_\_\_\_\_

\_\_\_\_ National origin: \_\_\_\_\_

\_\_\_\_ Sex: \_\_\_\_\_

\_\_\_\_ Religion: \_\_\_\_\_

\_\_\_\_ Age: \_\_\_\_\_

\_\_\_\_ Disability: \_\_\_\_\_

(c) What is the most convenient time and place for us to contact you about this complaint?

(d) On what date(s) did the discrimination take place? \_\_\_\_\_

If applicable, earliest date of discrimination: \_\_\_\_\_

Most recent date of discrimination: \_\_\_\_\_

(e) Complaints of discrimination generally must be filed within 180 days of the alleged discrimination. If the most recent date of discrimination, listed above, is more than 180 days ago, you may request a waiver of the filing requirement. If you wish to request a waiver, please explain why you waited until now to file your complaint and Lexington Fayette Urban County Government (LFUCG) will evaluate the explanation and decide if a waiver is appropriate.

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(f) Please explain, as clearly and neatly as possible, what happened, where and when it happened, why you believe it happened, and how the discrimination occurred. Indicate who was involved. Be sure to include how other persons were treated differently from you or those in question. **(Please use additional sheets if necessary and attach a copy of written materials pertaining to your case.)**

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(g) Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d – 2000d7 and the nondiscrimination section of the Omnibus Crime Control and Safe Streets Act of 1968, 28 U.S.C. § 3789d(c), prohibit recipients of federal funds from intimidating or retaliating against anyone because he or she has either taken action or participated in an action to secure rights protected by these laws. If you believe that you have been retaliated against (separate from the discrimination alleged in #10), please explain, as clearly and neatly as possible, the circumstances below. Be sure to explain what actions you took which you believe were the basis for the alleged retaliation.

(h) Please list below any persons (witnesses, fellow employees, supervisors, or others), if known, whom we may contact for additional information to support or clarify your complaint.

Name	Address	Area Code/Telephone



(i) Do you have any other information that you think is relevant to our investigation of your discrimination complaint?

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(j) What remedy are you suggesting?

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(k) Have you (or the person discriminated against) filed the same or any other complaints with other offices of the Lexington Fayette Urban County Government or any Federal agencies?

Yes\_\_\_\_, No\_\_\_\_

If so, do you remember the Complaint Number?

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What agency and department or program was it filed with?

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Address: \_\_\_\_\_

\_\_\_\_\_ Zip \_\_\_\_\_

Telephone: (\_\_\_\_\_) \_\_\_\_\_

Date of Filing: \_\_\_\_\_ Filed Against: \_\_\_\_\_

Name of person that took the complaint: \_\_\_\_\_

Briefly, what was the complaint about?

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What was the result?

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(l) **\* We cannot accept an unsigned complaint. Please sign and date this Complaint Form below.**

\_\_\_\_\_  
(Signature)\_\_\_\_\_  
(Date)**FOR OFFICE USE ONLY**\_\_\_\_\_  
**Date Complaint Received:** \_\_\_\_\_\_\_\_\_\_  
**Case Number:** \_\_\_\_\_\_\_\_\_\_  
**Sent by:** \_\_\_\_\_\_\_\_\_\_  
**Dept., Div. and/or Program:** \_\_\_\_\_**Referred to LFUCG:**\_\_\_\_\_  
**Date Referred:** \_\_\_\_\_\_\_\_\_\_  
Director of Grants ( \_\_\_\_\_ )\_\_\_\_\_  
Department Commissioner ( \_\_\_\_\_ )\_\_\_\_\_  
CAO\_\_\_\_\_  
Human Resources ( \_\_\_\_\_ )\_\_\_\_\_  
Law Department ( \_\_\_\_\_ )\_\_\_\_\_  
Other: ( \_\_\_\_\_ )\_\_\_\_\_  
**Recommendation attached, if any:** Yes \_\_\_\_\_ No \_\_\_\_\_

We will need your consent to disclose your name, if necessary, in the course of any investigation. Please sign and date the Consent Form. (If you are filing this complaint for a person whom you allege has been discriminated against, we will in most instances need a signed Consent Form from that person.) Please mail or e-mail the completed, signed Discrimination Complaint Form and the signed Consent Form as directed above (please make one copy of each for your records).



How did you learn that you could file this complaint?

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***COMPLAINANT CONSENT/RELEASE FORM***

Name of Complainant \_\_\_\_\_

E-mail: \_\_\_\_\_ Address: \_\_\_\_\_

Complaint number(s): (if known) \_\_\_\_\_

*Please read the information below, check the appropriate box, and sign the form.*

I have read LFUCG's Notice of Investigatory Uses of Personal Information. As a complainant, I understand that in the course of an investigation it may become necessary for LFUCG to reveal my identity to persons at the organization or institution under investigation. I am also aware of the obligations of LFUCG to honor requests under the Freedom of Information Act. I understand that it may be necessary to disclose information, including personally identifying details that LFUCG has gathered as a part of its investigation of my complaint. In addition, I understand that as a complainant I am protected by regulations from intimidation or retaliation for having taken action or participated in action to secure rights protected by nondiscrimination statutes.

☐ **CONSENT** – I have read and understand the above information and authorize LFUCG to reveal my identity to persons at the organization or institution under investigation. I hereby authorize LFUCG to receive material and information about me pertinent to the investigation of my complaint. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release, and do so voluntarily

☐ **CONSENT DENIED** – I have read and understand the above information and do not want LFUCG to reveal my identity to the organization or institution under investigation, or to review, receive copies of, or discuss material and information about me, pertinent to the investigation of my complaint. I understand this is likely to impede the investigation of my complaint and may result in the closure of the investigation.

\_\_\_\_\_  
SIGNATURE\_\_\_\_\_  
DATE

**APPENDIX D**

***National Origin Discrimination Complaint Form-Spanish***  
**FORMULARIO DE QUEJA POR DISCRIMINACION POR ORIGEN NACIONAL**

**Instrucciones:** Complete y firme este formulario y el formulario de consentimiento de divulgación adjunto, luego envíelo por correo electrónico O envíelo por correo a la oficina del oficial del Gobierno de Lexington Condado Urbano de Fayette (LFUCG, Por sus siglas en inglés) a:

Isabel G. Taylor  
[itaylor@lexingtonky.gov](mailto:itaylor@lexingtonky.gov)  
1306 Versailles Rd, Suite 110  
Lexington, KY 40504

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**Sec.1. INFORMACION DEL DENUNCIANTE**

Nombre: \_\_\_\_\_  
email: \_\_\_\_\_  
Dirección: \_\_\_\_\_  
Código Postal \_\_\_\_\_ # Celular: (\_\_\_\_) \_\_\_\_\_  
# Trabajo: (\_\_\_\_) \_\_\_\_\_

Persona(s) discriminada(s), si es diferente a la de arriba:

Nombre: \_\_\_\_\_ e-mail: \_\_\_\_\_  
Dirección: \_\_\_\_\_  
Código Postal \_\_\_\_\_  
# Celular: (\_\_\_\_) \_\_\_\_\_ # Trabajo: (\_\_\_\_) \_\_\_\_\_  
Por favor explique su relación con esta (s) persona (s). \_\_\_\_\_  
\_\_\_\_\_

**Sec. 2. DETALLES DE LA QUEJA**

(a) Departamento, programa, o agencia subcontratada o programa causante de la discriminación:

Nombre: \_\_\_\_\_  
Dirección: \_\_\_\_\_  
Código Postal \_\_\_\_\_  
Celular: (\_\_\_\_) \_\_\_\_\_ Tel. Trabajo: (\_\_\_\_) \_\_\_\_\_

(b) ¿Su queja es por discriminación en el acceso a un programa o en la prestación de servicios o por otras acciones discriminatorias por parte de un departamento de LFUCG, o una agencia subcontratada en su trato hacia usted u otras personas? Si es así, indique abajo la(s) razón(es) por la(s) que considera que se tomaron estas acciones discriminatorias.

\_\_\_\_ Raza/Origen étnico: \_\_\_\_\_  
\_\_\_\_ Origen nacional: \_\_\_\_\_  
\_\_\_\_ Sexo: \_\_\_\_\_  
\_\_\_\_ Religión: \_\_\_\_\_  
\_\_\_\_ Discapacidad: \_\_\_\_\_

(c) ¿Cuál es la hora y el lugar más conveniente para que nos comuniquemos con usted sobre esta queja? \_\_\_\_\_

(d) ¿En qué fecha (s) tuvo lugar la discriminación? \_\_\_\_\_

Si corresponde, fecha del primer incidente de discriminación: \_

Fecha del incidente de discriminación más reciente: \_

(e) Las quejas por discriminación deben presentarse por lo general, en un periodo de 180 días a partir de la presunta discriminación. Si el incidente de discriminación más reciente, que se menciona anteriormente, ocurrió hace más de 180 días, puede solicitar una exención de la solicitud de presentación. Si desea solicitar dicha exención, explique la razón por la que esperó hasta ahora para presentar su queja, y el Gobierno de Lexington Condado Urbano de Fayette (LFUCG) evaluará la explicación y decidirá si una exención es apropiada.

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- (f) Explique por favor, de la manera más clara y detallada posible, lo qué sucedió, dónde y

cuándo sucedió, la razón por la que cree que sucedió y cómo ocurrió la discriminación. Indique quién estuvo involucrado. Asegúrese de indicar la manera en que otras personas recibieron un trato diferente al suyo o a las personas en cuestión. **(Utilice hojas adicionales si es necesario y adjunte una copia de los materiales escritos pertinentes relacionados con su caso).**

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- (g) El Título VI de la Ley de Derechos Civiles de 1964, 42 U.S.C. §§ 2000d - 2000d7 y la sección relativa a la no discriminación en la Ley Ómnibus de Control de Delitos y de Calles Seguras de 1968, 28 USC§ 3789d (c), prohíbe que los beneficiarios de fondos federales intimiden o tomen represalias en contra de cualquier persona debido a que él o ella ha tomado medidas o ha participado en una acción para garantizar los derechos protegidos por estas leyes. Si usted cree que ha sido objeto de represalias (además de la discriminación denunciada en el # 10), explique abajo, de la manera más clara y detallada posible, las circunstancias. Asegúrese de explicar qué acciones tomó que cree que fueron la base de la presunta represalia.

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- (h) Por favor indique a continuación cualquier persona (testigos, compañeros de trabajo, supervisores u otros), si los conoce, a quienes podamos contactar para obtener información adicional para respaldar o aclarar su queja.

Nombre	Dirección	Código Posta/Teléfono

- (i) ¿Tiene alguna otra información que considere pertinente para nuestra investigación sobre su queja por discriminación?

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- (j) ¿Que solución sugiere?

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- (k) ¿Ha presentado usted (o la persona discriminada) la misma o cualquier otra queja ante otras oficinas del Gobierno de Lexington Condado Urbano de Fayette o en otras agencias federales?

Si\_\_\_\_, No\_\_\_\_

Si es así, ¿recuerda el número de la denuncia?

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¿En contra de qué agencia, departamento o programa se presentó dicha queja?

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Dirección: \_\_\_\_\_ Código Postal \_\_\_\_\_

Teléfono: (\_\_\_\_) \_\_\_\_\_

Fecha de presentación \_\_\_\_\_

Presentada en contra de: \_\_\_\_\_

Nombre de la persona que recibió la queja: \_\_\_\_\_

Brevemente, ¿en qué consistía la queja?

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¿Cuál fue el resultado?

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- (l) \* No podemos aceptar una queja que no está firmada. Firme y feche este Formulario de queja a continuación.

\_\_\_\_\_  
(Firma)

\_\_\_\_\_  
(Fecha)

**(SOLO PARA USO DE LA OFICINA)****FOR OFFICE USE ONLY*****Date Complaint Received:*** \_\_\_\_\_ ***Case Number:*** \_\_\_\_\_***Sent by:*** \_\_\_\_\_***Dept., Div. and/or Program:*** \_\_\_\_\_***Referred to LFUCG:*** \_\_\_\_\_ ***Date Referred:*** \_\_\_\_\_

\_\_\_\_ Director of Grants ( \_\_\_\_\_ )  
\_\_\_\_ Department Commissioner ( \_\_\_\_\_ )  
\_\_\_\_ CAO  
\_\_\_\_ Human Resources ( \_\_\_\_\_ )  
\_\_\_\_ Law Department ( \_\_\_\_\_ )  
\_\_\_\_ Other: ( \_\_\_\_\_ )

Recommendation attached, if any: \_\_\_\_\_ Yes \_\_\_\_\_ No

Necesitaremos su consentimiento para revelar su nombre, si fuera necesario, en el transcurso de cualquier investigación. Por favor firme y feche el formulario de consentimiento. (Si está presentando esta denuncia en nombre de una persona que, usted alega que ha sido discriminada, en la mayoría de los casos necesitaremos un Formulario de Consentimiento firmado por esa persona). Por favor envíe por correo o correo electrónico el formulario de la denuncia por discriminación relleno y firmado y el formulario de consentimiento firmado, como es indicado arriba (haga una copia de cada uno para sus registros).

¿Cómo se enteró de que podía presentar esta queja?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***SPANISH COMPLAINANT CONSENT/RELEASE FORM*****FORMULARIO DE CONSENTIMIENTO / AUTORIZACION DE DIVULGACION**

Nombre del denunciante \_\_\_\_\_

E-mail: \_\_\_\_\_ Dirección: \_\_\_\_\_

Número (s) de denuncia (s): si lo(s) conoce)  
\_\_\_\_\_*Por favor, lea la siguiente información, marque la casilla correspondiente y firme el formulario.*

He leído el Aviso sobre usos de Información Personal para efectos de investigación, Publicado por LFUCG. Como denunciante, entiendo que en el curso de una investigación puede ser necesario que LFUCG revele mi identidad a personas en la organización o institución que se encuentra bajo investigación. También estoy consciente de las obligaciones que tiene LFUCG de cumplir con las peticiones de la Ley de Libre Acceso a la Información. Entiendo que puede ser necesario que LFUCG divulgue información que ha sido recopilada como parte de su investigación de mi denuncia, la cual incluye detalles que pueden revelar la identidad personal. Además, entiendo que, como denunciante, estoy protegido por los reglamentos en contra la intimidación o las represalias por haber tomado medidas o participado en acciones para garantizar los derechos protegidos por los estatutos de no discriminación.

**CONSENTIMIENTO / DIVULGACIÓN**

☐ **CONSENTIMIENTO OTORGADO** - He leído y entiendo la información previamente presentada y autorizo a LFUCG a revelar mi identidad a personas en la organización o institución que se encuentra bajo investigación. Por la presente autorizo a LFUCG a recibir material e información que se utilizarán para actividades autorizadas para hacer valer y cumplir con los derechos civiles. Además, entiendo que no estoy obligado a autorizar esta divulgación, y que lo hago voluntariamente.

☐ **CONSENTIMIENTO DENEGADO** - He leído y entiendo la información previamente presentada y no quiero que LFUCG revele mi identidad a la organización o institución que se encuentra bajo investigación, ni que revise, hable o reciba copias, material e información sobre mí que sean pertinentes a la investigación de mi queja. Entiendo que esta acción probablemente impida que se realice la investigación de mi queja y que pueda resultar en el cierre de la investigación.

\_\_\_\_\_  
FIRMA\_\_\_\_\_  
FECHA



**APPENDIX E*****National Origin Discrimination Complaint Form-French*****FORMULAIRE DE PLAINTE POUR DISCRIMINATION FONDÉE SUR L'ORIGINE NATIONALE**

**Instructions:** Complétez et signez ce formulaire, ainsi que le formulaire de consentement ci-joint, puis envoyez-le par email OU par courrier normal au responsable du Titre VI au Gouvernement de Lexington Comté Urbain de Fayette (LFUCG) :

**Isabel G. Taylor**  
[itaylor@lexingtonky.gov](mailto:itaylor@lexingtonky.gov)  
1306 Versailles Rd, Suite 110  
Lexington, KY 40504

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**Sec. 1. RENSEIGNEMENTS CONCERNANT LE/A PLAIGNANT/E**

Nom: \_\_\_\_\_ e-mail: \_\_\_\_\_

Adresse: \_\_\_\_\_ Code postal \_\_\_\_\_

Numéro du Téléphone Portable: (\_\_\_\_) \_\_\_\_\_

Numéro du Téléphone du Travail: (\_\_\_\_) \_\_\_\_\_

Personne(s) discriminée(s) si différente(s) de celle(s) citée (s) ci-dessus :

Nom: \_\_\_\_\_ e-mail: \_\_\_\_\_

Adresse: \_\_\_\_\_ Code postal \_\_\_\_\_

Numéro du Téléphone Portable: (\_\_\_\_) \_\_\_\_\_ Travail: (\_\_\_\_) \_\_\_\_\_

Veuillez expliquer votre relation avec cette/ces personne(s) \_\_\_\_\_

**Sec. 2. DÉTAILS DE LA PLAINTE**

(a) Administration, Département, Programme, ou Agence sous-traitante qui a discriminé:

Nom: \_\_\_\_\_ Adresse: \_\_\_\_\_

\_\_\_\_\_ Code postal \_\_\_\_\_

Numéro du Téléphone Portable: (\_\_\_\_) \_\_\_\_\_ Travail: (\_\_\_\_) \_\_\_\_\_

(b) Votre plainte concerne-t-elle une discrimination relative à l'accès à un programme ou à la prestation de services ou à d'autres actions discriminatoires de la part d'un département de LFUCG ou d'une agence sous-traitante dans son traitement à vous ou aux autres personnes ? Si c'est le cas, veuillez indiquer, en bas, la/les base(s) sur lequel(les) vous croyez que ces actions discriminatoires ont été prises.

\_\_\_\_ Race/Ethnicité: \_\_\_\_\_

\_\_\_\_ Origine nationale: \_\_\_\_\_

\_\_\_\_ Sexe: \_\_\_\_\_

\_\_\_\_ Religion: \_\_\_\_\_

Âge: \_\_\_\_\_  
Handicap: \_\_\_\_\_

(c) Quelle est l'heure et le lieu les plus convenables pour vous contacter à propos de cette plainte? \_

(d) En quelle date l'incident de discrimination a eu lieu? \_\_\_\_\_

Si c'est le cas, la date du premier incident de discrimination: \_

La date de l'incident de discrimination le plus récent: \_

(e) Les plaintes pour discrimination doivent généralement être déposées dans les 180 premiers jours à partir de la discrimination présumée. Si l'incident de discrimination le plus récent, cité ci-dessus, a eu lieu depuis plus de 180 jours, vous pouvez demander une exemption de dépôt de plainte. Si vous desirez demander une exemption, vous devez expliquer la raison pour laquelle vous avez attendu jusqu'à maintenant pour déposer votre plainte, et le gouvernement de Lexington Comté Urbain de Fayette (LFUCG) évaluera l'explication et décidera si une exemption est appropriée.

(f) Veuillez expliquer, de la manière la plus nette et claire possible, ce qui s'est passé, où, et quand cela s'est passé, pourquoi vous pensez que cela s'est passé, et comment la discrimination s'est produit. Indiquez les personnes qui étaient impliquées. Assurez-vous d'indiquer comment les autres personnes ont été traitées différemment de vous ou des personnes en question. **(Veuillez utiliser des feuilles supplémentaires si nécessaire et joindre une copie des pièces écrites se rapportant à votre cas).**



(g) Le Titre VI de la loi sur les droits civils de 1964, 42 U.S.C. §§ 2000d – 2000d7 et la section sur la non-discrimination de la loi Omnibus de 1968 sur la lutte contre la criminalité et la sécurité dans les rues, 28 U.S.C. § 3789d(c), interdisent aux destinataires de fonds fédéraux d'intimider ou de prendre des représailles contre qui que ce soit parce qu'il ou elle a mené ou participé dans une action afin de garantir des droits protégés par ces lois. Si vous croyez que vous avez subi des représailles (en plus de la discrimination présumée au n°10), veuillez expliquer ci-dessous, de la manière la plus claire et nette possible, les circonstances. Assurez-vous d'expliquer quelles sont les actions que vous avez prises que, vous croyez qu'elles ont été la base des représailles présumées.

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(h) Veuillez lister ci-dessous toutes les personnes (témoins, collègues, superviseurs ou autres), si elles sont connues, que nous pouvons contacter pour avoir des informations supplémentaires pour appuyer et clarifier votre plainte.

Nom	Adresse	Indicatif/Téléphone

(i) Avez-vous d'autres informations que vous pensez pertinentes pour notre enquête sur votre plainte pour discrimination?

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(j) Quelle(s) solution(s) proposez-vous?

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(k) Avez-vous (ou la personne discriminée) déposé la même plainte ou autres plaintes avec d'autres bureaux du Gouvernement de Lexington Comté Urbain de Fayette ou autres agences fédérales?

Oui\_\_\_\_, Non\_\_\_\_

Si oui, vous rappelez-vous du numéro de la plainte?

Avec quelle agence ou département ou programme aviez-vous déposé la plainte?

Adresse: \_\_\_\_\_

Code postal \_\_\_\_\_

Téléphone: (\_\_\_\_) \_\_\_\_\_

Date de dépôt de la plainte: \_\_\_\_\_

Déposée contre \_\_\_\_\_

Nom de la personne qui a reçu la plainte: \_

Brièvement, sur quoi portait la plainte?

Quel était le résultat?

**(l) \* On ne peut pas accepter une plainte non signée. Veuillez signer et dater ce formulaire de plainte ci-dessous.**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**POUR USAGE INTERNE SEULEMENT****FOR OFFICE USE ONLY****Date Complaint Received:** \_\_\_\_\_**Case Number:** \_\_\_\_\_**Sent by:** \_\_\_\_\_**Dept., Div. and/or Program:** \_\_\_\_\_**Referred to LFUCG:****Date Referred:** \_\_\_\_\_\_\_\_\_\_  
Director of Grants ( \_\_\_\_\_ )\_\_\_\_\_  
Department Commissioner ( \_\_\_\_\_ )\_\_\_\_\_  
CAO\_\_\_\_\_  
Human Resources ( \_\_\_\_\_ )\_\_\_\_\_  
Law Department ( \_\_\_\_\_ )\_\_\_\_\_  
Other: ( \_\_\_\_\_ )

Recommendation attached, if any: \_\_\_\_\_ Yes \_\_\_\_\_ No

Nous aurons besoin de votre consentement pour divulguer votre nom, si nécessaire, dans le cas d'une enquête. Veuillez signer et dater le formulaire de consentement (si vous déposez cette plainte pour quelqu'un qui, selon vous, a fait l'objet de discrimination, nous aurons besoin dans la plupart des cas du formulaire de consentement signé par cette personne). Veuillez envoyer par courrier ou par email, le formulaire de plainte pour discrimination, signé et dûment rempli, comme indiqué ci-dessus (merci d'en faire une copie pour vos dossiers).

Comment avez-vous appris que vous pouviez déposer cette plainte?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***FRENCH COMPLAINANT CONSENT/RELEASE FORM*****FORMULAIRE DE CONSENTEMENT/AUTORISATION DE DIVULGATION**

Nom du plaignant \_\_\_\_\_

E-mail: \_\_\_\_\_ Adresse: \_\_\_\_\_

Numéro(s) de plainte, si connu(s) \_\_\_\_\_

*Veillez lire les informations ci-dessous, cochez la case appropriée et signez le formulaire.*

J'ai lu l'Avis sur l'Utilisation de l'Information Personnelle à des fins d'enquête publié par LFUCG. En tant que plaignant(e), je comprends qu'au cours d'une enquête il peut être nécessaire pour LFUCG de révéler mon identité à des personnes au sein d'une organisation ou institution objet de l'enquête. Je suis également au courant des obligations de LFUCG d'honorer les demandes de conformité avec la loi sur l'accès libre à l'information. Je comprends qu'il peut être important de divulguer des informations, incluant des informations d'identification personnelles que LFUCG a recueilli dans le cadre de son enquête concernant ma plainte. De plus, je comprends qu'en tant que plaignant(e) je suis protégé(e) par la réglementation contre l'intimidation ou les représailles pour avoir pris des mesures ou participé à des mesures visant à garantir les droits protégés par les lois interdisant la discrimination.

**CONSENTEMENT/ AUTORISATION DE DIVULGATION**

☐ **ACCORD** – J'ai lu et compris les informations ci-dessus et j'autorise LFUCG à révéler mon identité aux personnes de l'organisation ou institution objet d'enquête. Par la présente, j'autorise LFUCG à recevoir des documents et informations qui seront utilisés pour les activités autorisées de mise en conformité et d'application des droits civils. Je comprends également que je ne suis pas obligé d'autoriser cette publication et je le fais volontairement.

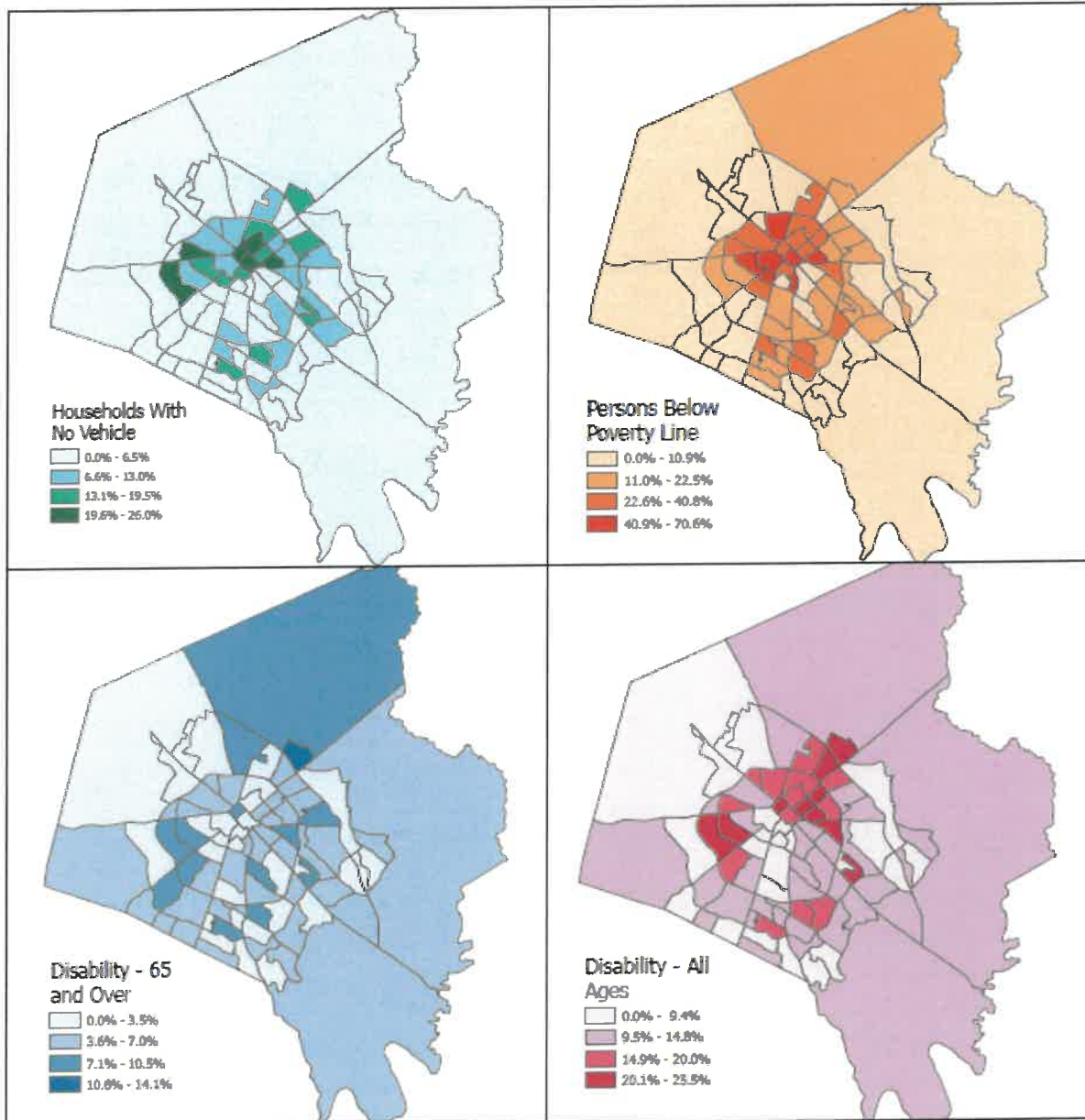
☐ **DÉSACCORD** – J'ai lu et compris les informations ci-dessus et je ne veux pas que LFUCG révèle mon identité à l'organisation ou institution objet de l'enquête, ni analyser, ou recevoir des copies, ou discute des documents et informations me concernant, qui sont pertinents pour l'enquête relative à ma plainte. Je comprends que cela peut entraver l'enquête relative à ma plainte et peut entraîner la clôture de celle-ci.

\_\_\_\_\_  
SIGNATURE\_\_\_\_\_  
DATE

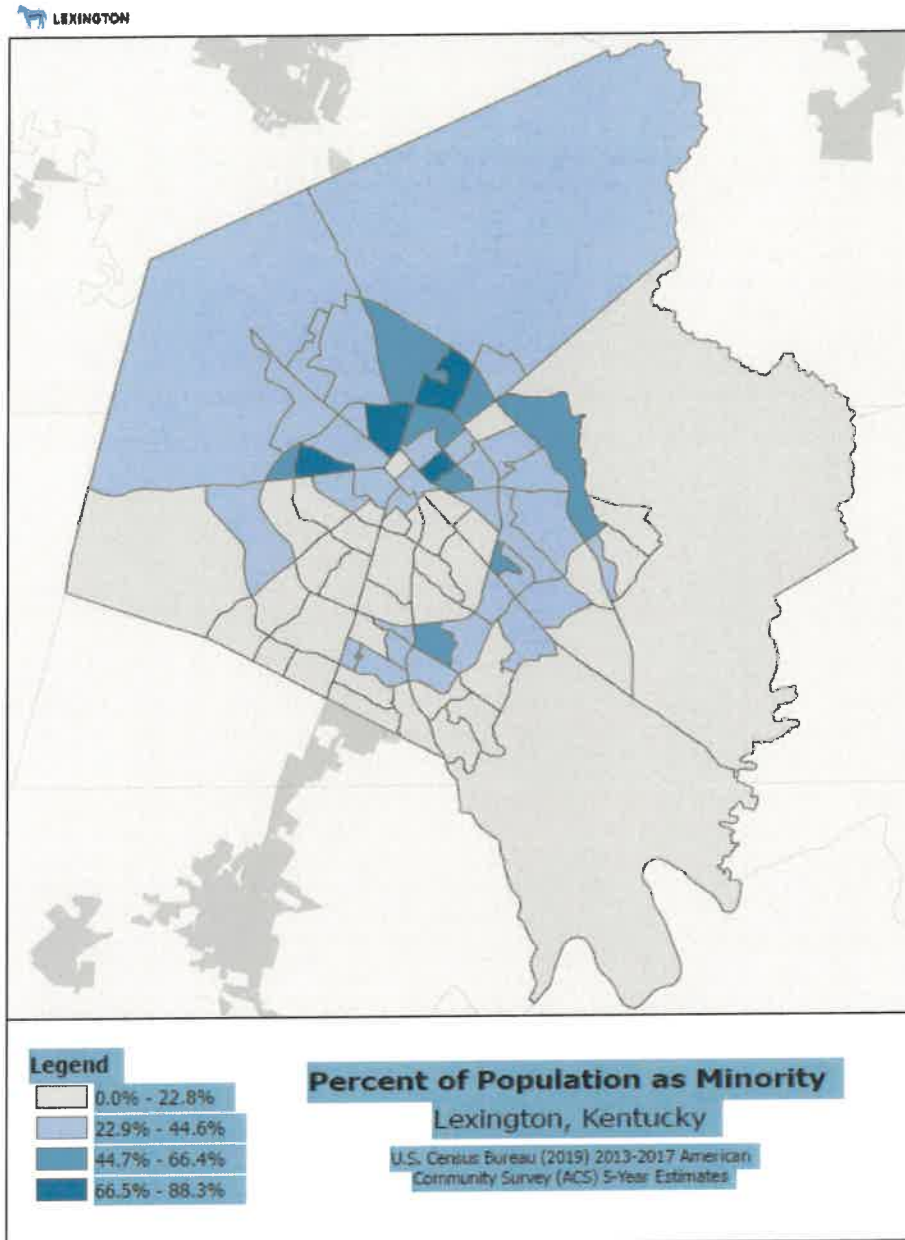


**APPENDIX F**

*Maps of Mobility Impact and Needs*



## *Demographic Map and Table*



**Table 1: Total and Percentage of Population as Minority\***

Geography	Total Population	Black / African American Alone		American Indian or Alaskan Native alone		Asian Alone		Native Hawaiian and Other Pacific Islander		Hispanic Alone		Other		Total Minority	
Kentucky	4,440,204	349,407	7.87%	8,498	0.19%	62,432	1.41%	2,339	0.05%	158,744	3.58%	94,702	2.13%	#####	13.09%
Fayette County	318,734	45,335	14.22%	470	0.15%	11,587	3.64%	161	0.05%	22,854	7.17%	11,044	3.46%	80,407	25.23%

\*Data source: U.S. Census Bureau (2020) American Community Survey (ACS) 2014-2019



***Minority Representation on Planning Commission:***

Headley Bell	07/01/21	Member	Caucasian/Non-Hispanic
Zack Davis	07/01/24	Member	Caucasian/Non-Hispanic
Anthony de Movellan	07/01/23	Member	Caucasian/Non-Hispanic
Larry Forester	07/01/22	Member	Caucasian/Non-Hispanic
<b>Jan Meyer</b>	<b>07/01/24</b>	<b>Member</b>	<b>African American</b>
Bruce Nicol	07/01/22	Member	Caucasian/Non-Hispanic
Frank Penn	07/01/23	Member	Caucasian/Non-Hispanic
Carolyn Plumlee	07/01/21	Member	Caucasian/Non-Hispanic
Graham Pohl	07/01/22	Member	Caucasian/Non-Hispanic
Patrick Brewer	07/01/24	Member	Caucasian/Non-Hispanic
<b>Bill Wilson</b>	<b>07/01/21</b>	<b>Member</b>	<b>African American</b>